TITLE 38.—VETERANS' BENEFITS

This title was enacted by Pub. L. 85–857, Sept. 2, 1958, § 1, 72 Stat. 1105

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AMENDMENTS

1974—Pub. L. 93–569, § 7(d), Dec. 31, 1974, 88 Stat. 1866, substituted "Home, Condominium, and Mobile Home Loans" for "Home, Farm, and Business Loans" in chapter 37 heading.

Pub. L. 93–508, title IV, § 404(b), Dec. 3, 1974, 88 Stat. 1600, added chapter 43.

1973—Pub. L. 93–43, § 2(b), June 18, 1973, 87 Stat. 78, added chapter 24.

1972—Pub. L. 92–540, title V, §§ 502(b), 503(b), Oct. 24, 1972, 86 Stat. 1097, 1098, substituted ", Training and" for "and Employment" in chapter 41 heading, and added chapter 42.

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 21 section 1175; title 42 sections 4581, 4582.

PART I.—GENERAL PROVISIONS

Chapter 1.—GENERAL

Sec.
102. Dependent parents; husbands.

AMENDMENTS

1972—Pub. L. 92–540, title IV, § 409, Oct. 24, 1972, 86 Stat. 1092, in item 102 substituted "Dependent parents; husbands" for "Dependent parents and dependent husbands".

§ 101. Definitions.

For the purpose of this title—

* * * * *

(3) The term "surviving spouse" means (except for purposes of chapter 19 of this title) a person of the opposite sex who was the spouse of a veteran at the time of the veteran's death, and who lived with the veteran continuously from the date of marriage to the date of the veteran's death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the spouse) and who has not remarried or (in cases not involving remarriage) has not since the death of the veteran, and after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the spouse of such other person.

(4) The term "child" means (except for purposes of chapter 19 of this title and section 5202(b) of this title) a person who is unmarried and—

* * * * *

and who is a legitimate child, a legally adopted child, a stepchild who is a member of a veteran's household or was a member at the time of the veteran's death, or an illegitimate child but, as to the alleged father, only if acknowledged in writing signed by him, or if he has been judicially ordered to contribute to the child's support or has been, before his death, judicially decreed to be the father of such child, or if he is otherwise shown by evidence satisfactory to the Administrator to be the father of such child. A person shall be deemed, as of the date of death of a veteran, to be the legally adopted child of such veteran if such person was at the time of the veteran's death living in the veteran's household and was legally adopted by the veteran's surviving spouse within two years after the veteran's death or the date of enactment of this sentence; however, this sentence shall not apply if at the time of the veteran's death, such person was receiving regular contributions toward the person's support from some individual other than the veteran or the veteran's spouse, or from any public or private welfare organization which furnishes services or assistance for children. A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded, if the child remains in the custody of the adopting parent or parents during the interlocutory period. A person who has been placed for adoption under an agreement entered into by the adopting parent or parents with any agency authorized under law to so act shall be recognized thereafter as a legally adopted child, unless and until such agreement is terminated, if the child remains in the custody of the adopting parent or parents during the period of placement for adoption under such agreement.

(5) The term "parent" means (except for purposes of chapter 19 of this title) a father, a mother, a father through adoption, a mother through adoption, or an individual who for a period of not less than one year stood in the relationship of a parent

[1] Item has been editorially inserted. Chapter 82 was added by Pub. L. 92–541 without a conforming insertion into this analysis of chapters.

to a veteran at any time before the veteran's entry into active military, naval, or air service or if two persons stood in the relationship of a father or a mother for one year or more, the person who last stood in the relationship of father or mother before the veteran's last entry into active military, naval, or air service.

* * * * *

(13) The term "compensation" means a monthly payment made by the Administrator to a veteran because of service-connected disability, or to a surviving spouse, child, or parent of a veteran because of the service-connected death of the veteran occurring before January 1, 1957.

(14) The term "dependency and indemnity compensation" means a monthly payment made by the Administrator to a surviving spouse, child, or parent (A) because of a service-connected death occurring after December 31, 1956, or (B) pursuant to the election of a surviving spouse, child, or parent, in the case of such a death occurring before January 1, 1957.

(15) The term "pension" means a monthly payment made by the Administrator to a veteran because of service, age, or non-service-connected disability, or to a surviving spouse or child of a veteran because of the non-service-connected death of the veteran.

* * * * *

(30) The term "Mexican border period" means the period beginning on May 9, 1916, and ending on April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders thereof, or in the water adjacent thereto.

(31) The term "spouse" means a person of the opposite sex who is a wife or husband and the term "surviving spouse" means a person of the opposite sex who is a widow or widower. (As amended Pub. L. 92–198, § 5(a), Dec. 15, 1971, 85 Stat. 664; Pub. L. 92–540, title IV, § 407, Oct. 24, 1972, 86 Stat. 1092; Pub. L. 94–169, title I, § 101(1), Dec. 23, 1975, 89 Stat. 1013.)

AMENDMENTS

1975—Par. (3). Pub. L. 94–169, § 101(1)(A), substituted "surviving spouse" for "widow", "person of the opposite sex" for "woman", "spouse" for "wife" wherever appearing therein, "the veteran's" for "his" wherever appearing therein, "with the veteran" for "with him", "person" for "man" wherever appearing therein and "himself or herself" for "herself".

Par. (4). Pub. L. 94–169, § 101(1)(B), substituted "regular contributions toward the person's support from some individual other than the veteran or the veteran's spouse" for "regular contribution toward his support from some individual other than the veteran or his spouse".

Par. (5). Pub. L. 94–169, § 101(1)(C), substituted "before the veteran's entry" for "before his entry".

Par. (13). Pub. L. 94–169, § 101(1)(D), substituted "surviving spouse" for "widow".

Par. (14). Pub. L. 94–169, § 101(1)(E), substituted "surviving spouse" for "widow" wherever appearing therein.

Par. (15). Pub. L. 94–169, § 101(1)(F), substituted "surviving spouse" for "widow".

Par. (31). Pub. L. 94–169, § 101(1)(G), added par. (31).

1972—Par. (4). Pub. L. 92–540 added provision recognizing as a legally adopted child a person who has been placed for adoption under an agreement entered into by the adopting parent or parents with an agency authorized by law to so act.

1971—Par. (30). Pub. L. 92–198 struck out the service requirement of 90 days or more.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 101 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 521 of this title.

SHORT TITLE OF 1975 AMENDMENT

Section 1 of Pub. L. 94–169 provided: "That this Act [amending this section and sections 322, 415, 501, 502, 503, 505, 506, 507, 511, 512, 521, 523, 532, 533, 534, 535 536, 537, 541, 542, 543, 544, 560, 561 and 562 of this title, repealing sections 510 and 531 of this title, and enacting provisions set out as notes under this section and sections 322, 415, 501, 521, 541, 542 and 544 of this title] may be cited as the 'Veterans and Survivors Pension Interim Adjustment Act of 1975'."

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the note under this section in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

PROC. NO. 4373. TERMINAL DATE RESPECTING SERVICE DURING VIETNAM ERA

Proc. No. 4373, May 7, 1975, 40 F.R. 20257, provided:

The Congress has provided that entitlement to certain veterans benefits be limited to persons serving in the Armed Forces during the period, beginning August 5, 1964, referred to as the Vietnam era. The President is authorized to determine the last day on which a person must have entered the active military, naval, or air service during that period.

The signing of the cease-fire agreements and implementing protocols on January 27, 1973, between the United States of America and the Republic of Vietnam, on the one hand, and the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam on the other hand, has terminated active participation by the Armed Forces of the United States in the Vietnam conflict.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 101(29) of Title 38 of the United States Code, do hereby proclaim, for the purposes of said Section 101(29), that May 7, 1975, is designated as the last day of the "Vietnam era."

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 302, 2013, 3102 of this title; title 5 sections 2108, 3501, 5532, 6303, 8706; title 20 section 1087dd; title 42 section 1477; title 50 App. section 591.

§ 102. Dependent parents; husbands.

* * * * *

(b) For the purposes of this title, (1) the term "wife" includes the husband of any female veteran; and (2) the term "widow" includes the widower of any female veteran. (As amended Pub. L. 92–540, title IV, § 408, Oct. 24, 1972, 86 Stat. 1092.)

AMENDMENTS

1972—Pub. L. 92–540, § 408(2), substituted in the section catchline "Dependent parents; husbands" for "Dependent parents and dependent husbands".

Subsec. (b). Pub. L. 92–540, § 408(1), struck out exception which made definition of terms inapplicable to chapter 19 of this title and struck out from the definitions of the terms "wife" and "widow" provisions relating to the ability of such persons to maintain and support themselves.

§ 103. Special provisions relating to marriages.

* * * * *

(e)(1) The marriage of a child of a veteran shall not bar recognition of such child as the child of the veteran for benefit purposes if the marriage is void, or has been annulled by a court with basic authority to render annulment decrees unless the Veterans' Administration determines that the annulment was secured through fraud by either party or collusion.

(2) The marriage of a child of a veteran shall not bar the recognition of such child as the child of the veteran for benefit purposes if the marriage has been terminated by death or has been dissolved by a court, with basic authority to render divorce decrees unless the Veterans' Administration determines that the divorce was secured through fraud by either party or collusion. (As amended Pub. L. 93–527, § 9(a), Dec. 21, 1974, 88 Stat. 1705.)

AMENDMENTS

1974—Subsec. (e). Pub. L. 93–527 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3010 of this title.

§ 111. Travel expenses.

EX. ORD. NO. 11302, REGULATIONS GOVERNING ALLOWANCES

EX. ORD. NO. 11302, Sept. 6, 1966, 31 F.R. 11741, as amended Ex. Ord. No. 11429, Sept. 9, 1968, 33 F.R. 12817; Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, provided:

* * * * *

SEC. 2. The Administrator of Veterans' Affairs may authorize or approve in lieu of actual necessary expenses of travel, including lodging and subsistence, payment of an allowance, in such amount per mile as the Administrator shall from time to time fix pursuant to 38 U.S.C. 111 [this section] as affected by this order, to any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. In addition to such mileage allowance, the Administrator may allow reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls. In his discretion, the Administrator may authorize or approve such payment and such reimbursement to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

* * * * *

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 601, 632 of this title.

Chapter 3.—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

SUBCHAPTER II.—ADMINISTRATOR OF VETERANS' AFFAIRS

Sec.
218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations.
219. Evaluation and data collection.
220. Coordination of other Federal programs affecting veterans and their dependents.

SUBCHAPTER III.—VETERANS' ADMINISTRATION REGIONAL OFFICES; EMPLOYEES

234. Telephone service for medical officers and facility directors.

SUBCHAPTER IV.—VETERANS OUTREACH SERVICES PROGRAM

Sec.
243. Veterans' representatives.
244. Utilization of other agencies.
245. Report to Congress.

AMENDMENTS

1974—Pub. L. 93–508, title II, §§ 213(b), 214(b), Dec. 3, 1974, 88 Stat. 1587, 1589, added items 219, 220, and 243 and renumbered former items 243 and 244 as 244 and 245, respectively.

1973—Pub. L. 93–82, title IV, § 402(b), Aug. 2, 1973, 87 Stat. 196, substituted "medical officers and facility directors" for "medical officers" in item 234.

Pub. L. 93–43, § 4(c)(1), June 18, 1973, 87 Stat. 79, added item 218.

SUBCHAPTER II.—ADMINISTRATOR OF VETERANS' AFFAIRS

§ 210. Appointment and general authority of Administrator; Deputy Administrator.

* * * * *

(c)(1) * * *

* * * * *

(3)(A) If the Administrator determines that any veteran, widow, child of a veteran, or other person, has suffered loss as a consequence of reliance upon a determination by the Veterans' Administration of eligibility or entitlement to benefits, without knowledge that it was erroneously made, he is authorized to provide such relief on account of such error as he determines equitable, including the payment of moneys to any person whom he determines equitably entitled thereto.

(B) The Administrator shall submit an annual report to the Congress on January 1, 1973, and each succeeding year containing a brief summary, including a statement as to the disposition of each case recommended to him for equitable relief under this paragraph.

* * * * *

(As amended Pub. L. 92–328, title II, § 201, June 30, 1972, 86 Stat. 396.)

AMENDMENTS

1972—Subsec. (c)(3). Pub. L. 92–328 added subsec. (c)(3).

EFFECTIVE DATE OF 1972 AMENDMENT

Section 301(c) of Pub. L. 92–328 provided that: "Sections 201 through 206 of this Act [which amended this section and sections 1817, 1820, 3102, and 3503 of this title, and enacted provisions set out as a note under section 3102 of this title] shall take effect upon the date of enactment of this Act [June 30, 1972]."

§ 214. Reports to the Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 245, 654 of this title.

§ 216. Research by Administrator; indemnification of contractors.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1904 of this title.

§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations.

(a) For the purpose of maintaining law and order and of protecting persons and property on lands (including cemeteries) and in buildings under the jurisdiction of the Veterans' Administration (and not

under the control of the Administrator of General Services), the Administrator or any officer or employee of the Veterans' Administration duly authorized by him may—

(1) make all needful rules and regulations for the governing of the property under his charge and control, and annex to such rules and regulations such reasonable penalties within the limits prescribed in subsection (b) of this section as will insure their enforcement. Such rules and regulations shall be posted in a conspicuous place on such property;

(2) designate officers and employees of the Veterans' Administration to act as special policemen on such property and, if the Administrator deems it economical and in the public interest, with the concurrence of the head of the agency concerned, utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, utilize the facilities and services of such State or local law-enforcement agencies; and

(3) empower officers or employees of the Veterans' Administration who have been duly authorized to perform investigative functions to act as special investigators and to carry firearms, whether on Federal property or in travel status. Such special investigators shall have, while on real property under the charge and control of the Veterans' Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations issued under subsection (a)(1) of this section. Any such special investigator may make an arrest with or without a warrant for any offense committed upon such property in his presence or if he has reasonable ground to believe (A) the offense constitutes a felony under the laws of the United States, and (B) that the person to be arrested is guilty of that offense.

(b) Whoever shall violate any rule or regulation issued pursuant to subsection (a)(1) of this section shall be fined not more than $50 or imprisoned not more than thirty days, or both. (Added Pub. L. 93–43, § 4(a), June 18, 1973, 87 Stat. 79.)

EFFECTIVE DATE

Section effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

CROSS REFERENCES

Protection of Federal property under jurisdiction of Administrator of General Services, see sections 318 to 318d of Title 40, Public Buildings, Property, and Works.

§ 219. Evaluation and data collection.

(a) The Administrator, pursuant to general standards which he shall prescribe in regulations, shall measure and evaluate on a continuing basis the impact of all programs authorized under this title, in order to determine their effectiveness in achieving stated goals in general, and in achieving such goals in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services. Such information as the Administrator may deem necessary for purposes of such evaluations shall be made available to him, upon request, by all departments, agencies, and instrumentalities of the executive branch.

(b) In carrying out this section, the Administrator shall collect, collate, and analyze on a continuing basis full statistical data regarding participation (including the duration thereof), provision of services, categories of beneficiaries, planning and construction of facilities, acquisition of real property, proposed excessing of land, accretion and attrition of personnel, and categorized expenditures attributable thereto, under all programs carried out under this title.

(c) The Administrator shall make available to the public and on a regular basis provide to the appropriate committees of the Congress copies of all completed evaluative research studies and summaries of evaluations of program impact and effectiveness carried out, and tabulations and analyses of all data collected, under this section. (Added Pub. L. 93–508, title II, § 213(a), Dec. 3, 1974, 88 Stat. 1586.)

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

§ 220. Coordination of other Federal programs affecting veterans and their dependents.

The Administrator shall seek to achieve the maximum feasible effectiveness, coordination, and interrelationship of services among all programs and activities affecting veterans and their dependents carried out by and under all other departments, agencies, and instrumentalities of the executive branch and shall seek to achieve the maximum feasible coordination of such programs with programs carried out under this title. (Added Pub. L. 93–508, title II, § 213(a), Dec. 3, 1974, 88 Stat. 1587.)

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

SUBCHAPTER III.—VETERANS' ADMINISTRATION REGIONAL OFFICES; EMPLOYEES

§ 230. Central and regional offices.

* * * * *

(b) The Administrator may exercise authority under this section in territory of the Republic of the Philippines until June 30, 1970.

* * * * *

(As amended Pub. L. 93–82, title IV, § 401, Aug. 2, 1973, 87 Stat. 196.)

AMENDMENTS

1973—Subsec. (b). Pub. L. 93–82 extended the authority of the Administrator from July 3, 1974 to June 30, 1978.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 235, 243 of this title.

§ 234. Telephone service for medical officers and facility directors.

The Administrator may pay for official telephone service and rental in the field whenever incurred in case of official telephones for nonmedical directors of centers, hospitals, independent clinics, domicil-

iaries, and medical officers of the Veterans' Administration where such telephones are installed in private residences or private apartments or quarters, when authorized under regulations established by the Administrator. (As amended Pub. L. 93–82, title IV, § 402(a), (c), Aug. 2, 1973, 87 Stat. 196.)

AMENDMENTS

1973—Pub. L. 93–82 added "and facility directors" in the section catchline and authorized the payment of telephone bills of nonmedical directors of centers, hospitals, independent clinics, and domiciliaries also.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SUBCHAPTER IV.—VETERANS OUTREACH SERVICES PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1685, 2003 of this title; title 29 section 981.

§ 240. Purpose; definitions.

(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of insuring that all veterans, especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration are provided timely and appropriate assistance to aid and encourage them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Veterans' Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

* * * * *

(As amended Pub. L. 92–540, title IV, § 410(a), Oct. 24, 1972, 86 Stat. 1092.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–540 added "and encourage" following "aid".

§ 241. Outreach services.

The Administrator shall provide the following outreach services in carrying out the purposes of this subchapter (including the provision, to the maximum feasible extent, of such services, in areas where a significant number of eligible veterans and eligible dependents speak a language other than English as their principal language, in the principal language of such persons):

(1) by letter advise each veteran at the time of his discharge or release from active military, naval, or air service, or as soon as possible thereafter, of all benefits and services under laws administered by the Veterans' Administration for which the veteran may be eligible and, in carrying out this paragraph, the Administrator shall insure, through the utilization of veteran-student services under section 1685 of this title, that contact, in person or by telephone, is made with those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release;

(2) distribute full information to eligible veterans and eligible dependants regarding all benefits and services to which they may be entitled under laws administered by the Veterans' Administration and may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which he determines would be beneficial to veterans; and

* * * * *

(As amended Pub. L. 92–540, title IV, § 410(b), Oct. 24, 1972, 86 Stat. 1092; Pub. L. 93–508, title II, § 214(1), (2), Dec. 3, 1974, 88 Stat. 1587.)

AMENDMENTS

1974—Pub. L. 93–508 in provisions preceding cl. (1), substituted "following outreach services in carrying out the purposes of this subchapter (including the provision, to the maximum feasible extent, of such services, in areas where a significant number of eligible dependents speak a language other than English as their principal language, in the principal language of such persons)" for "following outreach services", and in cl. (2), substituted "distribute full information to eligible veterans and eligible dependents" for "distribute full information".

1972—Pub. L. 92–540 in cl. (1) substituted provisions relating to the Administrator making contact, in person or by telephone through the utilization of veteran-student services under section 1685 of this title, with those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release, for provisions relating to the Administrator giving priority to so advising such veterans.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 243 of this title.

§ 242. Veterans assistance offices.

* * * * *

(b) The Administrator shall establish and carry out all possible programs and services, including special telephone facilities, as may be necessary to make the outreach services provided for under this subchapter as widely available as possible. (As amended Pub. L. 93–508, title II, § 214(3), Dec. 3, 1974, 88 Stat. 1587.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–508 substituted "shall establish and carry out all possible programs and services, including special telephone facilities," for "may implement such special telephone service".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

§ 243. Veterans' representatives.

(a)(1) Except as otherwise provided in paragraph (4) of this subsection, the Administrator shall assign, with appropriate clerical/secretarial support, to each educational institution (as defined in section 1652(c) except for correspondence schools) where at least five hundred persons are enrolled under chapters 31, 34, 35, and 36 of this title such number of full-time

veterans' representatives as will provide at least one such veterans' representative per each five hundred such persons so enrolled at each such institution; and the Administrator shall also assign to other such veterans' representatives responsibility for carrying out the functions set forth in paragraph (3) of this subsection with respect to groups of institutions with less than five hundred such persons so enrolled, on the basis of such proportion of such veterans' representatives' time to such persons so enrolled as he deems appropriate to be adequate to perform such functions at such institutions.

(2) In selecting and appointing veterans' representatives under this subsection, preference shall be given to veterans of the Vietnam era with experience in veterans affairs' counseling, outreach, and other related veterans' services.

(3) The functions of such veterans' representatives shall be to—

(A) answer all inquiries related to Veterans' Administration educational assistance and other benefits, and take all necessary action to resolve such inquiries expeditiously, especially those relating to payments of educational assistance benefits;

(B) assure correctness and proper handling of applications, completion of certifications of attendance, and submission of all necessary information (including changes in status or program affecting payments) in support of benefit claims submitted;

(C) maintain active liaison, communication, and cooperation with the officials of the educational institution to which assigned, in order to alert veterans to changes in law and Veterans' Administration policies or procedures;

(D) supervise and expeditiously resolve all difficulties relating to the delivery of advance educational assistance payments authorized under this title;

(E) coordinate Veterans' Administration matters with, and provide appropriate briefings to, all on-campus veterans' groups, working particularly closely with veterans' coordinators at educational institutions receiving veterans' cost-of-instruction payments under section 420 of the Higher Education Act of 1965, as amended (hereinafter referred to as "V.C.I. institutions");

(F) provide necessary guidance and support to veteran-student services personnel assigned to the campus under section 1685 of this title;

(G) where such functions are not being adequately carried out by existing programs at such institutions (i) provide appropriate motivational and other counseling to veterans (informing them of all available benefits and services, as provided for under section 241 of this title) and (ii) carry out outreach activities under this subchapter; and

(H) carry out such other activities as may be assigned by the director of the Veterans' Administration regional office, established under section 230 of this title.

(4) Based on the extent to which the functions set forth in paragraph (3) of this subsection are being adequately carried out at a particular educational institution or in consideration of other factors indicating the inappropriateness of assignment of veterans' representatives to a particular educational institution, the director of the appropriate Veterans' Administration regional office shall, notwithstanding the formula set forth in paragraph (1) of this subsection, either reallocate such veterans' representatives to other educational institutions in such region where he determines that such additional veterans' representatives are necessary, or, with the approval of the chief benefits officer of the Veterans' Administration, assign such veterans' representatives to carry out such functions or related activities at the regional office in question, with special responsibility for one or more than one particular educational institution.

(5) The functions of a veterans' representative assigned under this subsection shall be carried out in such a way as to complement and not interfere with the statutory responsibilities and duties of persons carrying out veterans affairs' functions at V.C.I. institutions.

(b) The Administrator shall establish rules and procedures to guide veterans' representatives in carrying out their functions under this section. Such rules and procedures shall contain provisions directed especially to assuring that the activities of veterans' representatives carried out under this section complement, and do not interfere with, the established responsibilities of representatives recognized by the Administrator under section 3402 of this title. (Added Pub. L. 93–508, title II, § 214(4), Dec. 3, 1974, 88 Stat. 1587.)

REFERENCES IN TEXT

Section 420 of the Higher Education Act of 1965, as amended, referred to in subsec. (a)(3)(E), is classified to section 1070e–1 of Title 20, Education.

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

§ 244. Utilization of other agencies.

In carrying out the purposes of this subchapter, the Administrator shall—

(1) arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, to include where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Veterans' Administration;

(2) cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization;

(3) where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization;

(4) at his discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services; and

(5) conduct and provide for studies in consultation with appropriate Federal departments and agencies to determine the most effective program

design to carry out the purposes of this subchapter.

(Added Pub. L. 91–219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 85, § 243, renumbered § 244, and amended Pub. L. 93–508, title II, § 214, (4), (5), Dec. 3, 1974, 88 Stat. 1587, 1588.)

AMENDMENTS

1974—Pub. L. 93–508, § 214(5), in provisions preceding cl. (1), substituted "the Administrator shall" for "the Administrator may", and in cl. (5), substituted "conduct and provide for studies in" for "conduct studies in".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

§ 245. Report to Congress.

The Administrator shall include in the annual report to the Congress required by section 214 of this title a report on the activities carried out under this subchapter, each report to include an appraisal of the effectiveness of the programs authorized herein and recommendations for the improvement or more effective administration of such programs.

(Added Pub. L. 91–219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 85, § 244, renumbered § 245, Pub. L. 93–508, title II, § 214(4), Dec. 3, 1974, 88 Stat. 1587.)

PART II.—GENERAL BENEFITS

Chap. Sec.

24. National cemeteries and memorials..... 1000

AMENDMENTS

1973—Pub. L. 93–43, § 2(b), June 18, 1973, 87 Stat. 78, added chapter 24.

Chapter 11.—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER V.—PEACETIME DISABILITY COMPENSATION

Sec.
331. Basic entitlement.
332. Presumption of sound condition.
333. Presumptions relating to certain diseases.
334. Rates of peacetime disability compensation.
335. Additional compensation for dependents.
337. Wartime presumptions for certain veterans.

SUBCHAPTER V.—PEACETIME DEATH COMPENSATION

341. Basic entitlement.
342. Rates of peacetime death compensation.

SUBCHAPTER VI.—GENERAL COMPENSATION PROVISIONS

362. Clothing allowance.

AMENDMENTS

1974—Pub. L. 93–295, title II, § 206(c), May 31, 1974, 88 Stat. 183, struck out item 343.

1972—Pub. L. 92–328, title I, §§ 103(b), 108(d), June 30, 1972, 86 Stat. 394, 396, struck out item 336 "Conditions under which wartime rates payable", and added item 362.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1502, 1685, 1901, 2013 of this title.

SUBCHAPTER I.—GENERAL

§ 301. Definitions.

STUDY OF CLAIMS FOR DEPENDENCY AND INDEMNITY COMPENSATION

Pub. L. 93–295, title II, § 207, May 31, 1974, 88 Stat. 183, provided that:

"(a) The Administrator of Veterans' Affairs shall make a detailed study of claims for dependency and indemnity compensation relating to veterans, as defined in section 101(2), title 38, United States Code, who at time of death within six months prior to the date of enactment of this Act [May 31, 1974] were receiving disability compensation from the Veterans' Administration based upon a rating total and permanent in nature.

"(b) The report of such study shall include (1) the number of the described cases, (2) the number of cases in which the specified benefit was denied, (3) an analysis of the reasons for each such denial, (4) an analysis of any difficulty which may have been encountered by the claimant in attempting to establish that the death of the veteran concerned was connected with his or her military, naval, or air service in the Armed Forces of the United States, and (5) data regarding the current financial status of the widow, widower, children, and parents in each case of denial.

"(c) The report together with such comments and recommendations as the Administrator deems appropriate shall be submitted to the Speaker of the House and the President of the Senate not more than thirty days after the beginning of the Ninety-fourth Congress."

SUBCHAPTER II.—WARTIME DISABILITY COMPENSATION

§ 314. Rates of wartime disability compensation.

For the purposes of section 310 of this title—

(a) if and while the disability is rated 10 per centum the monthly compensation shall be $35;

(b) if and while the disability is rated 20 per centum the monthly compensation shall be $65;

(c) if and while the disability is rated 30 per centum the monthly compensation shall be $98;

(d) if and while the disability is rated 40 per centum the monthly compensation shall be $134;

(e) if and while the disability is rated 50 per centum the monthly compensation shall be $188;

(f) if and while the disability is rated 60 per centum the monthly compensation shall be $236;

(g) if and while the disability is rated 70 per centum the monthly compensation shall be $280;

(h) if and while the disability is rated 80 per centum the monthly compensation shall be $324;

(i) if and while the disability is rated 90 per centum the monthly compensation shall be $364;

(j) if and while the disability is rated as total the monthly compensation shall be $655;

(k) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete organic aphonia with constant inability to communicate by speech, or deafness of both ears, having absence of air and bone conduction, the rate of compensation therefor shall be $52 per month for each such loss or loss of use independent of any other compensation provided in subsections (a) through (j) or subsection (s) of this section but in no event to exceed $814 per month; and in the event the veteran has suffered one or more of the disabilities heretofore specified in this subsection, in addition to the requirement for any of the rates specified in subsections (l) through (n) of this section, the rate of compensation shall be increased by $52 per month for each such loss or loss of use, but in no event to exceed $1,139 per month;

(*l*) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both hands, or both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly compensation shall be $814;

(m) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or has suffered blindness in both eyes having only light perception, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, the monthly compensation shall be $896;

(n) if the veteran, as the result of service-connected disability, has suffered the anatomical loss of two extremities so near the shoulder or hip as to prevent use of a prosthetic appliance or has suffered the anatomical loss of both eyes, the monthly compensation shall be $1,018;

(o) if the veteran, as the result of service-connected disability, has suffered disability under conditions which would entitle him to two or more of the rates provided in one or more subsections (*l*) through (n) of this section, no condition being considered twice in the determination, or if the veteran has suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 60 per centum or more disabling and the veteran has also suffered service-connected total blindness with 5/200 visual acuity or less, in combination with total blindness with 5/200 visual acuity or less, the monthly compensation shall be $1,139;

(p) in the event the veteran's service-connected disabilities exceed the requirements for any of the rates prescribed in this section, the Administrator, in his discretion, may allow the next higher rate or an intermediate rate, but in no event in excess of $1,139. In the event the veteran has suffered service-connected blindness with 5/200 visual acuity or less and (1) has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at no less than 40 per centum disabling, the Administrator shall allow the next higher rate, or (2) has also suffered service-connected total deafness in one ear, the Administrator shall allow the next intermediate rate, but in no event in excess of $1,139;

* * * * *

(r) if any veteran, otherwise entitled to the compensation authorized under subsection (o) of this section, or the maximum rate authorized under subsection (p) of this section, is in need of regular aid and attendance, he shall be paid, in addition to such compensation, a monthly aid and attendance allowance at the rate of $489 per month subject to the limitations of section 3203(f) of this title. For the purposes of section 334 of this title, such allowance shall be considered as additional compensation payable for disability.

(s) if the veteran has a service-connected disability rated as total, and (1) has additional service-connected disability or disabilities independently ratable at 60 per centum or more, or (2) by reason of his service-connected disability or disabilities, is permanently housebound, then the monthly compensation shall be $732. For the purpose of this subsection, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to his house (ward or clinical areas, if institutionalized) or immediate premises due to a service-connected disability or disabilities which it is reasonably certain will remain throughout his lifetime.

(As amended Pub. L. 92–328, title I, § 101(a), June 30, 1972, 86 Stat. 393; Pub. L. 93–295, title I, § 101(a), May 31, 1974, 88 Stat. 181; Pub. L. 94–71, title I, § 101(a), Aug. 5, 1975, 89 Stat. 395.)

AMENDMENTS

1975—Subsecs. (a) to (p), (r), (s). Pub. L. 94–71 increased the compensation in subsec. (a) from $32 to $35, subsec. (b) from $59 to $65, subsec. (c) from $89 to $98, subsec. (d) from $122 to $134, subsec. (e) from $171 to $188, subsec. (f) from $211 to $236, subsec. (g) from $250 to $280, subsec. (h) from $289 to $324, subsec. (i) from $325 to $364, subsec. (j) from $584 to $655, subsec. (k) from $727 and $1,017 to $814 and $1,139 respectively, subsec. (*l*) from $727 to $814, subsec. (m) from $800 to $896, subsec. (n) from $909 to $1,018, subsec. (o) from $1,017 to $1,139, subsec. (p) from $1,017 to $1,139, subsec. (r) from $437 to $489, and subsec. (s) from $654 to $732.

1974—Subsecs. (a) to (p), (r), (s). Pub. L. 93–295 increased the compensation in subsec. (a) from $28 to $32, subsec. (b) from $51 to $59, subsec. (c) from $77 to $89, subsec. (d) from $106 to $122, subsec. (e) from $149 to $171, subsec. (f) from $179 to $211, subsec. (g) from $212 to $250, subsec. (h) from $245 to $289, subsec. (i) from $275 to $325, subsec. (j) from $495 to $584, subsec. (k) from $47, $616 and $862 to $52, $727 and $1,017, respectively, subsec. (*l*) from $616 to $727, subsec. (m) from $678 to $800, subsec. (n) from $770 to $909, subsec. (o) from $862 to $1,017, subsec. (p) from $862 to $1,017, subsec. (r) from $370 to $437, and subsec. (s) from $554 to $654.

1972—Subsecs. (a)–(p), (r), (s). Pub. L. 92–328 increased the compensation in subsec. (a) from $25 to $28, subsec. (b) from $46 to $51, subsec. (c) from $70 to $77, subsec. (d) from $96 to $106, subsec. (e) from $135 to $149, subsec. (f) from $163 to $179, subsec. (g) from $193 to $212, subsec. (h) from $223 to $245, subsec. (i) from $250 to $275, subsec. (j) from $450 to $495, subsec. (k) from $560 to $616 and $784 to $862, respectively, subsec. (*l*) from $560 to $616, subsec. (m) from $616 to $678, subsec. (n) from $700 to $770, subsec. (o) from $784 to $862, subsec. (p) from $784 to $862, subsec. (r) from $336 to $370, and subsec. (s) from $504 to $554.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 301 of Pub. L. 94–71 provided that: "The provisions of this Act [amending this section and sections 315, 362, 411, 413, 414 and 3010 of this title and enacting provisions set out as notes under this section and section 411 of this title] shall become effective August 1, 1975."

EFFECTIVE DATE OF 1974 AMENDMENT

Section 401 of Pub. L. 93–295 provided that: "The provisions of this Act [amending this section and sections 315, 322, 337, 342, 411, 413 and 414 of this title, repealing section 343 of this title, and enacting provisions set out as notes under this section and section 301 of this title] shall become effective on May 1, 1974, except that title III [amending sections 1701 and 3202 of this title] shall be-

come effective on the first day of the second calendar month following enactment [May 31, 1974]."

EFFECTIVE DATE OF 1972 AMENDMENT

Section 301(a) of Pub. L. 92–328 provided that: "Sections 101 through 107 of this Act [which enacted section 362 of this title, amended this section, and sections 315, 536, 3021, 3202 and 3203 of this title, and enacted provisions set out as notes under this section and section 3203 of this title] shall take effect on the first day of the second calendar month which begins after the date of enactment [June 30, 1972]."

SHORT TITLE OF 1975 AMENDMENT

Section 1 of Pub. L. 94–71 provided: "That this Act [amending this section and sections 315, 362, 411, 413, 414 and 3010 of this title and enacting provisions set out as notes under this section and section 411 of this title] may be cited as the 'Veterans Disability Compensation and Survivor Benefits Act of 1975'."

SHORT TITLE

Section 1 of Pub. L. 93–295 provided: "That this Act [amending this section and sections 315, 322, 337, 342, 411, 413, 414, 1701 and 3202 of this title, repealing section 343 of this title, and enacting provisions set out as notes under this section and section 301 of this title] may be cited as the 'Veterans Disability Compensation and Survivor Benefits Act of 1974'."

Section 1 of Pub. L. 92–328 provided that: "This Act [which enacted section 362 of this title, amended this section, and sections 210, 315, 334, 335, 536, 1817, 1820, 3021, 3102, 3202, 3203, and 3503 of this title, repealed section 336 of this title, and enacted provisions set out as notes under this section and sections 210, 334, 3102, and 3203 of this title] may be cited as the 'Veterans' Compensation and Relief Act of 1972'."

ADJUSTMENT IN RATES OF DISABILITY COMPENSATION

Sec. 101(b) of Pub. L. 94–71 provided that: "The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section [amending subsections (a) to (p), (r) and (s) of this section], the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 [set out as a note preceding section 101 of this title] who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code."

ADMINISTRATIVE RATE ADJUSTMENTS FOR PERSONS RECEIVING BENEFITS ON DECEMBER 31, 1958

Section 101(b) of Pub. L. 93–295 provided that: "The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 [set out as a note preceding section 101 of this title] who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code [this chapter]."

Section 101(b) of Pub. L. 92–328 provided that: "The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 [set out as a note preceding section 101 of this title] who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code [this chapter]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315, 334, 617, 3203 of this title.

§ 315. Additional compensation for dependents.

Any veteran entitled to compensation at the rate provided in section 314 of this title, and whose disability is rated not less than 50 per centum, shall be entitled to additional compensation for dependents in the following monthly amounts:

(1) If and while rated totally disabled and—

(A) has a wife and no child living, $40;

(B) has a wife and one child living, $67;

(C) has a wife and two children living, $85;

(D) has a wife and three or more children living, $105 (plus $19 for each living child in excess of three);

(E) has no wife but one child living, $26;

(F) has no wife but two children living, $45;

(G) has no wife but three or more children living, $67 (plus $19 for each living child in excess of three);

(H) has a mother or father, either or both dependent upon him for support, then, in addition to the above amounts, $32 for each parent so dependent; and

(I) notwithstanding the other provisions of this subsection, the monthly amount payable on account of each child who has attained the age of eighteen years and who is pursuing a course of instruction at an approved educational institution shall be $61 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this subsection.

* * * * *

(As amended Pub. L. 92–328, title I, § 102, June 30, 1972, 86 Stat. 394; Pub. L. 93–295, title I, § 102, May 31, 1974, 88 Stat. 181; Pub. L. 94–71, title I, § 102, Aug. 5, 1975, 89 Stat. 396.)

AMENDMENTS

1975—Par. (1). Pub. L. 94–71 substituted $40 for $36 in subpar. (A), $67 for $61 in subpar. (B), $85 for $77 in subpar. (C), $105 and $19 for $95 and $17, respectively, in subpar. (D), $26 for $24 in subpar. (E), $45 for $41 in subpar. (F), $67 and $19 for $61 and $17, respectively, in subpar. (G), $32 for $29 in subpar. (H) and $61 for $55 in subpar. (I).

1974—Par. (1). Pub. L. 93–295 substituted $36 for $31 in subpar. (A), $61 for $53 in subpar. (B), $77 for $67 in subpar. (C), $95 and $17 for $83 and $15, respectively, in subpar. (D), $24 for $21 in subpar. (E), $41 for $36 in subpar. (F), $61 and $17 for $53 and $15, respectively, in subpar. (G), $29 for $25 in subpar. (H), and $55 for $48 in subpar. (I).

1972—Par. (1). Pub. L. 92–328 substituted $31 for $28 in subpar. (A), $53 for $48 in subpar. (B), $67 for $61 in subpar. (C), $83 and $15 for $75 and $14, respectively, in subpar. (D), $21 for $19 in subpar. (E), $36 for $33 in subpar. (F), $53 and $15 for $48 and $14, respectively, in subpar. (G), $25 for $23 in subpar. (H), and $48 for $44 in subpar. (I).

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94–71 effective Aug. 1, 1975, see section 301 of Pub. L. 94–71, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective May 1, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective on the first day of the second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92–328, set out as a note under section 314 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 335, 1504 of this title.

SUBCHAPTER III.—WARTIME DEATH COMPENSATION

§ 321. Basic entitlement.

The surviving widow, child, or children, and dependent parent or parents of any veteran who died before January 1, 1957 as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during a period of war, shall be entitled to receive compensation at the monthly rates specified in section 322 of this title. (As amended Pub. L. 92–197, § 6, Dec. 15, 1971, 85 Stat. 662.)

AMENDMENTS

1971—Pub. L. 92–197 struck out eligibility clause when the veteran died after April 30, 1957, under circumstances described in section 417(a) of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 411 of this title.

§ 322. Rates of wartime death compensation.

* * * * *

(b) The monthly rate of death compensation payable to a widow or dependent parent under subsection (a) of this section shall be increased by $64 if the payee is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person. (As amended Pub. L. 92–197, § 9, Dec. 15, 1971, 85 Stat. 662; Pub. L. 93–295, title II, § 204, May 31, 1974, 88 Stat. 183; Pub. L. 94–169, title II, § 202, Dec. 23, 1975, 89 Stat. 1021.)

COMPENSATION FOR PERIOD BEGINNING JANUARY 1, 1976 AND ENDING SEPTEMBER 30, 1976

Section 202 of Pub. L. 94–169 provided that, for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, subsec. (b) of this section will read as follows:

"(b) The monthly rate of death compensation payable to a widow or dependent parent under subsection (a) of this section shall be increased by $69 if the payee is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

AMENDMENTS

1975—Subsec. (b). Pub. L. 94–169 substituted, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "$69" for "$64".

1974—Subsec. (b). Pub. L. 93–295 substituted "$64" for "$55."

1971—Subsec. (b). Pub. L. 92–197 extended the benefits to dependent parents under subsec. (a) of this section and increased the increase in benefits from $50 to $55.

EFFECTIVE AND TERMINATION DATE OF 1975 AMENDMENT

Section 202 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective May 1, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 411 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 321, 342 of this title.

SUBCHAPTER IV.—PEACETIME DISABILITY COMPENSATION

§ 334. Rules of peacetime disability compensation.

For the purposes of section 331 of this title, the compensation payable for the disability shall be that specified in section 314 of this title. (As amended Pub. L. 92–328, title I, § 108(a), June 30, 1972, 86 Stat. 396.)

AMENDMENTS

1972—Pub. L. 92–328 substituted provisions that the compensation payable for the disability be that specified in section 314 of this title, for provisions that the compensation payable for the disability be equal to 80% of the compensation payable for such disability under section 314 of this title, adjusted upward or downward to the nearest dollar.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 301(b) of Pub. L. 92–328 provided that: "Section 108 [which repealed section 336 of this title and amended this section and section 335 of this title] shall take effect on July 1, 1973."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 314, 335, 617 of this title.

§ 335. Additional compensation for dependents.

Any veteran entitled to compensation at the rates provided in section 334 of this title, and whose disability is rated not less than 50 per centum, shall be entitled to additional monthly compensation for dependents as provided in section 315 of this title. (As amended Pub. L. 92–328, title I, § 108(b), June 30, 1972, 86 Stat. 396.)

AMENDMENTS

1972—Pub. L. 92–328 substituted provisions that the veteran be entitled to additional monthly compensation for dependents as provided in section 315 of this title, for provisions that the veteran be entitled to additional monthly compensation for dependents equal to 80% of the additional compensation for dependents provided in section 315 of this title, and subject to the limitations thereof, and adjusted upward or downward to the nearest dollar.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective on July 1, 1973, see section 301(b) of Pub. L. 92–328, set out as a note under section 334 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1504 of this title.

§ 336. Repealed. Pub. L. 92–328, title I, § 108(c), June 30, 1972, 86 Stat. 396.

Section, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1123, set forth the conditions under which wartime rates were payable to any veteran otherwise entitled to compensation under the provisions of this subchapter.

EFFECTIVE DATE OF REPEAL

Repeal of section effective July 1, 1973, see section 301 (b) of Pub. L. 92–328, set out as a note under section 334 of this title.

§ 337. Wartime presumptions for certain veterans.

For the purposes of this subchapter and subchapter V of this chapter and notwithstanding the provisions of sections 332 and 333 of this subchapter, the provisions of sections 311, 312, and 313 of this chapter shall be applicable in the case of any veteran who served in the active military, naval, or air service after December 31, 1946. (As amended Pub. L. 93–295, title II, § 205, May 31, 1974, 88 Stat. 183.)

AMENDMENTS

1974—Pub. L. 93–295 substituted "December 31, 1946" for "January 31, 1955".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective May 1, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 314 of this title.

SUBCHAPTER V.—PEACETIME DEATH COMPENSATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 337 of this title.

§ 341. Basic entitlement.

The surviving widow, child or children, and dependent parent or parents of any veteran who died before January 1, 1957 as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during other than a period of war, shall be entitled to receive compensation as hereinafter provided in this subchapter. (As amended Pub. L. 92–197, § 6, Dec. 15, 1971, 85 Stat. 662.)

AMENDMENTS

1971—Pub. L. 92–197 struck out eligibility clause when the veteran died after April 30, 1957, under circumstances described in section 417(a) of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 411 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 342 of this title.

§ 342. Rates of peacetime death compensation.

For the purposes of section 341 of this title, the monthly rates of death compensation payable shall be those specified in section 322 of this title. (As amended Pub. L. 93–295, title II, § 206(a), May 31, 1974, 88 Stat. 183.)

AMENDMENTS

1974—Pub. L. 93–295 substituted "those specified in section 322 of this title" for "equal to 80 per centum of the rates prescribed by section 322 of this title, adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective May 1, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 314 of this title.

§ 343. Repealed. Pub. L. 93–295, title II, § 206(b), May 31, 1974, 88 Stat. 183.

Section, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1124, prescribed conditions under which wartime rates of compensation were payable.

EFFECTIVE DATE OF REPEAL

Repeal of section effective May 1, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 314 of this title.

SUBCHAPTER VI.—GENERAL COMPENSATION PROVISIONS

§ 362. Clothing allowance.

The Administrator under regulations which he shall prescribe, shall pay a clothing allowance of $175 per year to each veteran who because of disability which is compensable under the provisions of this chapter, wears or uses prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such a veteran. (Added Pub. L. 92–328, title I, § 103(a), June 30, 1972, 86 Stat. 394, and amended Pub. L. 94–71, title I, § 103, Aug. 5, 1975, 89 Stat. 396.)

AMENDMENTS

1975—Pub. L. 94–71 substituted $175 for $150.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94–71 effective Aug. 1, 1975, see section 301 of Pub. L. 94–71, set out as a note under section 314 of this title.

EFFECTIVE DATE

Section effective on the first day of the second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92–328, set out as a note under section 314 of this title.

Chapter 13.—DEPENDENCY AND INDEMNITY COMPENSATION FOR SERVICE-CONNECTED DEATHS

UNIFORMED SERVICES, PROMOTION OF MEMBERS IN MISSING STATUS; EFFECTIVE DATE

Provision of section 552(a) of Title 37 for full effectiveness for all purposes of promotion of a member while in a missing status notwithstanding a determination of death before the making of the promotion effective as of Nov. 24, 1971, for the purposes of this chapter, see section 2 of Pub. L. 93–26, Apr. 27, 1973, 87 Stat. 26, set out as a note under section 552 of Title 37, Pay and Allowances of the Uniformed Services.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2013 of this title.

§ 402. Determination of pay grade.

(a) With respect to a veteran who died in the active military, naval, or air service, his pay grade shall be determined as of the date of his death or as of the date of a promotion after death while in a missing status.

* * * * *

(As amended Pub. L. 92–169, § 2, Nov. 24, 1971, 85 Stat. 489.)

AMENDMENTS

1971—Subsec. (a). Pub. L. 92–169 provided, with regard to determination of veteran's pay grade at date of his death, that in the case of a promotion after death while the veterans is in a missing status, the pay grade determination date is the date of such promotion.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 3 of Pub. L. 92–169 provided that: "For the purposes of chapter 13 of title 38, United States Code [this chapter] this Act [amending this section and section 552 of this title] becomes effective upon the date of enactment [Nov. 24, 1971]. For all other purposes this Act becomes effective as of February 28, 1961."

§ 411. Dependency and indemnity compensation to a widow.

(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

Pay grade	*Monthly rate*	*Pay grade*	*Monthly rate*
E–1	$241	W–4	$344
E–2	248	O–1	304
E–3	255	O–2	315
E–4	270	O–3	337
E–5	278	O–4	356
E–6	284	O–5	392
E–7	298	O–6	441
E–8	315	O–7	478
E–9	[1] 329	O–8	523
W–1	304	O–9	562
W–2	316	O–10	[2] 615
W–3	326		

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $354.

[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $660.

(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $29 for each such child.

(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $72 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person. (As amended Pub. L. 92–197, § 1, Dec. 15, 1971, 85 Stat. 660; Pub. L. 92–455, § 4, Oct. 2, 1972, 86 Stat. 761; Pub. L. 93–295, title II, § 201, May 31, 1974, 88 Stat. 182; Pub. L. 94–71, title II, § 201, Aug. 5, 1975, 89 Stat. 396.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–71 generally upgraded the monthly rates for all pay grades.

Subsec. (b). Pub. L. 94–71 increased from $26 to $29 the monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 94–71 increased the monthly rate of compensation payable to a widow from $64 to $72.

1974—Subsec. (a). Pub. L. 93–295 generally upgraded the monthly rates for all pay grades.

Subsec. (b). Pub. L. 93–295 increased from $22 to $26 the monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 93–295 increased the monthly rate of compensation payable to the widow from $55 to $64.

1972—Subsec. (a). Pub. L. 92–455 substituted in footnote 1 of the table "chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard," for "chief master sergeant of the Air Force, or sergeant major of the Marine Corps,".

1971—Subsec. (a). Pub. L. 92–197 generally upgraded the monthly rate for all pay grades.

Subsec. (b). Pub. L. 92–197 increased the dependency and indemnity compensation rate by $22 per month for each child from $20.

Subsec. (c). Pub. L. 92–197 reenacted subsec. (c) without change.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94–71 effective Aug. 1, 1975, see section 301 of Pub. L. 94–71, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective May 1, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 10 of Pub. L. 92–197 provided that: "This Act [amending this section and sections 321, 322, 341, 413 to 415, 417 and 724 of this title and enacting provisions set out as note under section 417 of this title] shall take effect on January 1, 1972."

STUDY BY ADMINISTRATOR OF DEPENDENCY AND INDEMNITY COMPENSATION CLAIMS; REPORT BY OCTOBER 1, 1976

Section 204 of Pub. L. 94–71 provided that:

"(a) The Administrator of Veterans' Affairs shall make a detailed study of claims for dependency and indemnity compensation relating to veterans, as defined in section 101(2), title 38, United States Code, who at time of death during the six-month period September 1, 1975, to March 1, 1976, were receiving disability compensation from the Veterans' Administration based upon a rating total and permanent in nature.

"(b) The report of such study shall include (1) the number of the described cases; (2) the number of cases in which the specified benefit was denied; (3) an analysis of the reasons for each such denial; (4) an analysis of any difficulty which may have been encountered by the claimant in attempting to establish that the death of the veteran concerned was connected with his or her military, naval, or air service in the Armed Forces of the United States; (5) data regarding the current financial status of the widow, widower, children, and parents in each case of denial; and (6) an analysis of whether there has been a significant increase in the use of discretionary authority consistent with revised Veterans' Administration program guide instructions issued March 27, 1975 concerning rating practices and procedures.

"(c) The report together with such comments and recommendations as the Administrator deems appropriate shall be submitted to the Speaker of the House and the President of the Senate not later than October 1, 1976."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 sections 1448, 1450.

§ 413. Dependency and indemnity compensation to children.

Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veterans at the following monthy rates:

(1) One child, $121.

(2) Two children, $175.

(3) Three children, $225.

(4) More than three children, $225, plus $45 for each child in excess of three.

(As amended Pub. L. 92–197, § 2, Dec. 15, 1971, 85 Stat. 660; Pub. L. 93–295, title II, § 202, May 31, 1974, 88 Stat. 182; Pub. L. 94–71, title II, § 202, Aug. 5, 1975, 89 Stat. 397.)

AMENDMENTS

1975—Pub. L. 94–71 substituted $121, $175, $225, $225 and $45 for $108, $156, $201, $201 and $40 in pars. (1), (2), (3) and (4), respectively.

1974—Pub. L. 93–295 substituted "$108", "$156", "$201", "$201", and "$40" for "$92", "$133", "$172", "$172", and "$34", in pars. (1), (2), (3), and (4), respectively.

1971—Pub. L. 92–197 substituted "$92", "$133", "$172", and "$172" and "$34" for "$88", "$127", "$164" and "164" and "$32", in pars. (1), (2), (3), and (4), respectively.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94–71 effective Aug. 1, 1975, see section 301 of Pub. L. 94–71, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective May 1, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 411 of this title.

§ 414. Supplemental dependency and indemnity compensation to children.

(a) In the case of a child entitled to dependency and indemnity compensation who has attained the age of eighteen and who, while under such age, became permanently incapable of self-support, the dependency and indemnity compensation paid monthly to him shall be increased by $72.

(b) If dependency and indemnity compensation is payable monthly to a woman as a "widow" and there is a child (of her deceased husband) who has attained the age of eighteen and who, while under such age, became permanently incapable of self-support, dependency and indemnity compensation shall be paid monthly to each such child, concurrently with the payment of dependency and indemnity compensation to the widow, in the amount of $121.

(c) If dependency and indemnity compensation is payable monthly to a woman as a "widow" and there is a child (of her deceased husband) who has attained the age of eighteen and who, while under the age of twenty-three, is pursuing a course of instruction at an educational institution approved under section 104 of this title, dependency and indemnity compensation shall be paid monthly to each such child, concurrently with the payment of dependency and indemnity compensation to the widow, in the amount of $62. (As amended Pub. L. 92–197, § 3, Dec. 15, 1971, 85 Stat. 661; Pub. L. 93–295, title II, § 203, May 31, 1974, 88 Stat. 183; Pub. L. 94–71, title II, § 203, Aug. 5, 1975, 89 Stat. 397.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–71, § 203(a), substituted $72 for $64.

Subsec. (b). Pub. L. 94–71, § 203(b), substituted $121 for $108.

Subsec. (c). Pub. L. 94–71, § 203(c), substituted $62 for $55.

1974—Subsec. (a). Pub. L. 93–295, § 203(a), substituted "$64" for "55."

Subsec. (b). Pub. L. 93–295, § 203(b), substituted "$108" for "$92."

Subsec. (c). Pub. L. 93–295, 203(c), substituted "$55" for "$47."

1971—Subsec. (a). Pub. L. 92–197, § 3(a), substituted "$55" for "$32".

Subsec. (b). Pub. L. 92–197, § 3(b), substituted "$92" for "$88".

Subsec. (c). Pub. L. 92–197, § 3(c), substituted "$47" for "$45".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94–71 effective Aug. 1, 1975, see section 301 of Pub. L. 94–71, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective May 1, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 411 of this title.

§ 415. Dependency and indemnity compensation to parents.

* * * * *

(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less, the monthly rate of dependency and indemnity compensation shall be $123. For each $1 of annual income in excess of $800 up to and including $1,000, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,000 up to and including $1,300, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,300 up to and including $1,600, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,600 up to and including $1,800, the monthly rate shall be reduced 6 cents; for each $1 of annual income in excess of $1,800 up to and including $2,000, the monthly rate shall be reduced 7 cents; and for each $1 annual income in excess of $2,000 up to and including $3,000, the monthly rate shall be reduced 8 cents; but in no event shall the monthly rate of dependency and indemnity compensation be less than $4. No dependency and indemnity compensation shall be paid if annual income exceeds $3,000.

(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula.

(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $86. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents, for each $1 of annual income in excess of $1,100 up to and including $2,100, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $2,100 up to and including $2,500, the monthly rate shall be reduced 5 cents; and for each $1 of annual income in excess of $2,500 up to and including $3,000, the monthly rate shall be reduced 6 cents; but in no event shall the monthly rate of dependency and

indemnity compensation be less than $4. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $3,000.

(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $83. For each $1 of annual income in excess of $1,000 up to and including $1,100, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,100 up to and including $2,500, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $2,500 up to and including $3,500, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,500 up to and including $4,200, the monthly rate shall be reduced 4 cents; but in no event shall the monthly rate of dependency and indemnity compensation be less than $4. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $4,200.

* * * * *

(g)(1) In determining income under this section, all payments of any kind or from any source shall be included, except—

* * * * *

(M) payments of annuities elected under subchapter I of chapter 73 of title 10.

(2) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

(3) The Administrator may provide by regulation for the exclusion from income under this section of amounts paid by a parent for unusual medical expenses.

(h) The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by $64 if such parent is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person. (As amended Pub. L. 92–197, § 4, Dec. 15, 1971, 85 Stat. 661; Pub. L. 92–425, § 6(1), Sept. 21, 1972, 6 Stat. 713; Pub. L. 93–177, § 4, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93–527, § 7, Dec. 21, 1974, 88 Stat. 1704; Pub. L. 94–169, title II, § 201, Dec. 23, 1975, 89 Stat. 1019.)

COMPENSATION FOR PERIOD BEGINNING JANUARY 1, 1976, AND ENDING SEPTEMBER 30, 1976

Section 201 of Pub. L. 94–169 provided that, for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, subsecs. (b)–(h) of this section will read as follows:

"(b)(1) Except as provided in paragraph (4) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to the parent according to the following formula:

"The monthly rate of dependency and indemnity compensation shall be $133 reduced by—	*For each $1 of annual income*	
	Which is more than—	*But not more than—*
$0.00	*$0*	*$800*
.03	*800*	*1,000*
.04	*1,000*	*1,200*
.05	*1,200*	*1,500*
.06	*1,500*	*1,700*
.08	*1,700*	*3,300*

"(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

"(3) In no case may dependency and indemnity compensation be paid under paragraph (1) of this subsection to any parent if the annual income of such parent exceeds $3,300.

"(4) If there is only one parent and such parent has remarried and is living with such parent's spouse, dependency and indemnity compensation shall be paid to such parent under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and such parent's spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula.

"(c)(1) Except as provided in subsection (d) of this section, if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each parent according to the following formula:

"The monthly rate of dependency and indemnity compensation shall be $93 reduced by—	*For each $1 of annual income of such parent*	
	Which is more than—	*But not more than—*
$0.00	*0*	*$800*
.02	*$800*	*1,100*
.04	*1,100*	*1,600*
.05	*1,600*	*2,400*
.06	*2,400*	*3,300*

"(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

"(3) In no case may dependency and indemnity compensation be paid under paragraph (1) of this subsection to any parent if the annual income of such parent exceeds $3,300.

"(d)(1) If there are two parents who are living together, or if a parent has remarried and is living with such parent's spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula:

"The monthly rate of dependent and indemnity compensation shall be $90 reduced by—	*For each $1 of the total conbined annual income*	
	Which is more than—	*But not more than—*
$0.00	*0*	*$1,000*
.02	*$1,000*	*2,300*
.03	*2,300*	*3,300*
.04	*3,300*	*4,500*

"(2) *In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.*

"(3) *In no case may dependency and indemnity compensation be paid under this subsection to a parent if the total combined annual income of the parent and such parent's spouse exceeds $4,500.*

"(e) *The Administrator shall require as a condition of granting or continuing dependency and indemnity compensation to a parent that such parent, other than one who has attained seventy-two years of age and has been paid dependency and indemnity compensation during two consecutive calendar years, file each year with the Administrator (on the form prescribed by the Administrator) a report showing the total income which such parent expects to receive in that year and the total income which such parent received in the preceding year. The parent or parents shall file with the Administrator a revised report whenever there is a material change in the estimated annual income.*

"(f) *If the Administrator ascertains that there have been overpayments to a parent under this section, the Administrator shall deduct such overpayments (unless waived) from any future payments made to such parent under this section.*

"(g) (1) *In determining income under this section, all payments of any kind or from any source shall be included, except—*

"(A) *payments of the six-months' death gratuity;*

"(B) *donations from public or private relief or welfare organizations;*

"(C) *payments under this chapter (except section 412(a)) and chapters 11 and 15 of this title and under the first sentence of section 9(b) of the Veterans' Pension Act of 1959;*

"(D) *lump-sum death payments under subchapter II of chapter 7 of title 42;*

"(E) *payments of bonus or similar cash gratuity by any State based upon service in the Armed Forces;*

"(F) *payments under policies of servicemen's group life insurance, United States Government life insurance or national service life insurance, and payments of servicemen's indemnity;*

"(G) *10 per centum of the amount of payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs;*

"(H) *amounts equal to amounts paid by a parent of a deceased veteran for—*

"(i) *a deceased spouse's just debts,*

"(ii) *the expenses of the spouse's last illness to the extent such expenses are not reimbursed under chapter 51 of this title, and*

"(iii) *the expenses of the spouse's burial to the extent that such expenses are not reimbursed under chapter 23 or chapter 51 of this title;*

"(I) *proceeds of fire insurance policies;*

"(J) *amounts equal to amounts paid by a parent of a deceased veteran for—*

"(i) *the expenses of the veteran's last illness, and*

"(ii) *the expenses of such veteran's burial to the extent that such expenses are not reimbursed under chapter 23 of this title;*

"(K) *profit realized from the disposition of real or personal property other than in the course of a business;*

"(L) *payments received for discharge of jury duty or obligatory civic duties;*

"(M) *payments of annuities elected under subchapter I of chapter 73 of title 10.*

"(2) *Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.*

"(3) *The Administrator may provide by regulation for the exclusion from income under this section of amounts paid by a parent for unusual medical expenses.*

"(h) *The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by $69 if such parent is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.*"

AMENDMENTS

1975—Subsec. (b)(1). Pub. L. 94–169, § 201(2), increased, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, the monthly rate of compensation from $123 to $133, substituted $1000 to $1200 for $1000 to $1300, $1200 to $1500 for $1300 to $1600, $1500 to $1700 for $1600 to $1800 and $1700 to $3300 for $2000 to $3000, the minimum and maximum income ranges for which the compensation rate will be reduced by 4, 5, 6 and 8 cents per dollar, respectively, struck out the income range of $1800 to $2000 for which the reduction rate is 7 cents per dollar, increased from $4.00 to $5.00 the minimum payable compensation, and increased from $3,000 to $3300 the income in excess of which no compensation will be paid.

Subsec. (b)(2). Pub. L. 94–169, § 201(1), redesignated, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, subsec. (b)(2) as (b)(4), and in subsec. (b)(4) as so redesignated, substituted "such parent has remarried" for "he has remarried", "with such parent's spouse" for "with his spouse", "paid to such parent" for "paid to him" and "parent and such parent's spouse" for "parent and his spouse".

Subsec. (c). Pub. L. 94–169, § 201(3), increased, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, the monthly rate of compensation from $86 to $93, substituted $1100 to $1600 for $1100 to $2100, $1600 to $2400 for $2100 to $2500 and $2400 to $3300 for $2500 to $3000, the minimum and maximum income ranges for which the compensation rate will be reduced 4, 5 and 6 cents, respectively, increased from $4.00 to $5.00 the minimum payable compensation, and increased from $3000 to $3300 the income in excess of which no compensation will be paid.

Subsec. (d). Pub. L. 94–169, § 201(3), increased, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, the basic rate of monthly compensation from $83 to $90, substituted $1000 to $2300 for $1100 to $2500, $2300 to $3300 for $2500 to $3500 and $3300 to $4500 for $3500 to $4200 the minimum and maximum income ranges for which the campensation rate will be reduced by 2, 3, and 4 cents, respectively, struck out the income range of $1000 to $1100 for which the reduction rate is 1 cent per dollar, increased from $4.00 to $5.00 the minimum payable compensation, and increased from

$4200 to $4500 the income in excess of which no compensation will be paid.

Subsec. (e). Pub. L. 94–169, § 201(4), substituted, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "with the Administrator" for "with him" and "prescribed by the Administrator" for "prescribed by him".

Subsec. (f). Pub. L. 94–169, § 201(5), substituted, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "the Administrator shall deduct" for "he shall deduct".

Subsec. (g)(1)(J)(ii). Pub. L. 94–169, § 201(6), substituted, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "such veteran's" for "his".

Subsec. (h). Pub. L. 94–169, § 201(7), substituted, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "$69" for "$64".

1974—Subsec. (b)(1). Pub. L. 93–527, § 7(1), substituted "$123" for "$110", "$1000" for "$1100" wherever appearing therein; "$1300" for "$1500" wherever appearing therein; "$1600" for "$1700" wherever appearing therein, "$1800" for "$2000" wherever appearing therein, "$2000" for "$2300" wherever appearing therein, and "$3000" for "$2600" wherever appearing therein, and provided that in no event shall the monthly rate be less than $4.00.

Subsec. (b)(2). Pub. L. 93–527, § 7(1), re-enacted subsec. (b)(2) without change.

Subsec. (c). Pub. L. 93–527, § 7(2), substituted "$86" for "$77", "$2100" for "$1400" wherever appearing therein; "$2500" for "$2300" wherever appearing therein "3000" for "2600" wherever appearing therein and "4 cents", "5 cents" and "6 cents" for "3 cents", "4 cents" and "5 cents", respectively, and added provision that in no event shall the monthly rate of dependency and indemnity compensation be less than $4.

Subsec. (d). Pub. L. 93–527, § 7(3), substituted "$83" for "$74", "$1,000" for "$1,200" wherever appearing therein; "$2500" for "$2900" wherever appearing therein, and "3500" for "$3800", and added provisions for reduction of 4 cents in the monthly rate for each dollar of annual income in excess of $3500 up to and including $4200, for not less than $4 for the monthly rate of dependency and indemnity compensation, and raised the maximum combined income for which compensation will be paid from $3800 to $4200.

Subsec. (h). Pub. L. 93–527, § 7(4), substituted "$64" for "$55".

1973—Subsec. (b)(1). Pub. L. 93–177, § 4(a), substituted "$110" for "$100", "$1,100" for "$1,200", "$1,500" for "$1,600", "$1,700" for "$1,900", "$2,000" for "$2,100", and "$2,300" for "$2,600" in the existing provisions and added provisions for a reduction of 8 cents in the monthly rate for each $1 annual income in excess of $2,300 up to and including $2,600.

Subsec. (b)(2). Pub. L. 93–177, § 4(a), re-enacted subsec. (b)(2) without change.

Subsec. (c) Pub. L. 93–177, § 4(b), substituted "$77" for "$70", "$1,400" for "$1,700", and "$2,300" for "$2,600" in the existing provisions and added provision for a reduction of 5 cents in the monthly rate for each $1 of annual income in excess of $2,300 up to and including $2,600.

Subsec. (d). Pub. L. 93–177, § 4(c); substituted "$74" for "$67", "$1,200" for "$1,300", and "$2,900" for "$3,400".

1972—Subsec. (g)(1)(M). Pub. L. 92–425 substituted "subchapter I of chapter 73 of title 10" for "chapter 73 of title 10".

1971—Subsec. (b)(1). Pub. L. 92–197, § 4(a), substituted formula to measure monthly compensation rate of one parent by specifying a maximum monthly rate for each group within designated income category and each individual's monthly rate to be computed by reducing the maximum monthly rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table providing for income and benefit rates, and increased the maximum income limit to $2,600 from $2,300.

Subsec. (b)(2). Pub. L. 92–197, § 4(a), substituted reference to formula in subsecs. (b)(1) and (d), for reference to tables in subsecs. (b)(1) and (d).

Subsec. (c). Pub. L. 92–197, § 4(b), substituted formula to measure dependency and indemnity compensation rates of two parents not living together by specifying a maximum monthly rate for each group within designated income category and each individual's monthly rate to be computed by reducing the maximum monthly rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table providing for income and benefit rates, and increased the maximum income limit to $2,600 from $2,300.

Subsec. (d). Pub. L. 92–197, § 4(c), substituted formula to measure dependency and indemnity compensation to two parents living together or a remarried parent living with his spouse by specifying a maximum monthly rate for each group within designated income category and each individual's monthly rate to be computed by reducing the maximum monthly rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table providing for income and benefit rates, and increased the maximum income limit to $3,800 from $3,500.

Subsec. (g). Pub. L. 92–197, § 4(d), redesignated par. (2) as par. (3) and added par. (2).

Subsec. (h). Pub. L. 92–197, § 4(e), added subsec. (h).

EFFECTIVE AND TERMINATION DATE OF 1975 AMENDMENT

Section 201 of Pub. L. 94–169 provided in part that the amendments of subsecs. (b) to (h) of this section by section 201 of Pub. L. 94–169 are effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–177 effective Jan. 1, 1974, see section 8 of Pub. L. 93–177, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 411 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 416 of this title.

§ 417. Restriction on payments under this chapter.

No person eligible for dependency and indemnity compensation by reason of any death occurring after December 31, 1956, shall be eligible by reason of such death for any payments under (1) provisions of law administered by the Veterans' Administration providing for the payment of death compensation or death pension, or (2) the Federal Employees' Compensation Act. (As amended Pub. L. 92–197, § 5, Dec. 15, 1971, 85 Stat. 662.)

AMENDMENTS

1971—Pub. L. 92–197 struck out subsec. (a), which, among other provisions, restricted payment of dependency and indemnity compensation in certain cases where death of a veteran occurred while United States Government life insurance or National Service Life Insurance was in force under an in-service waiver of premiums continued under section 724 of this title, and designated subsec. (b) as the entire section.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 411 of this title.

DEPENDENCY AND INDEMNITY COMPENSATION; ELIGIBILITY

Section 8 of Pub. L. 92–197 provided that: "Any person who before January 1, 1972, was not eligible for de-

pendency and indemnity compensation under such title by reason of the provisions of the prior section 417(a) of title 38, United States Code, may elect, in such manner as the Administrator of Veterans' Affairs shall prescribe, to receive dependency and indemnity compensation, and an election so made shall be final. A person receiving, or entitled to receive, death compensation on December 31, 1971, shall continue to receive death compensation, if otherwise eligible, in the absence of an election to receive dependency and indemnity compensation."

Chapter 15.—PENSION FOR NON-SERVICE-CONNECTED DISABILITY OR DEATH OR FOR SERVICE

SUBCHAPTER II.—VETERANS' PENSIONS

SERVICE PENSION

Sec.
511. Indian War veterans.
512. Spanish-American War veterans.

NON-SERVICE-CONNECTED DISABILITY PENSION

521. Veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era.
522. Net worth limitation.
523. Combination of ratings.

SUBCHAPTER III.—PENSIONS TO SURVIVING SPOUSES AND CHILDREN

WARS BEFORE WORLD WAR I

532. Surviving spouses of Civil War veterans.
533. Children of Civil War veterans.
534. Surviving spouses of Indian War veterans.
535. Children of Indian War veterans.
536. Surviving spouses of Spanish-American War veterans.
537. Children of Spanish-American War veterans.

MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, KOREAN CONFLICT, AND THE VIETNAM ERA

541. Surviving spouses of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans.
542. Children of Mexican border period, World War I, World War II, Korean Conflict, or Vietnam era veterans.
543. Net worth limitation.

SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR

544. Aid and attendance allowance.

AMENDMENTS

1975—Pub. L. 94–169, title I, §§ 101(2)(J), 106 (24), (30), (38), Dec. 23, 1975, 89 Stat. 1014, 1018, 1019, struck out items 510 relating to confederate forces veterans, and 531 relating to widows of Mexican War veterans, substituted "Surviving Spouses" for "Widows" in heading of Subchapter III and subheading preceding item 544, and substituted "Surviving spouses" for "Widows" in items 532, 534, 536 and 541.

SUBCHAPTER I.—GENERAL

§ 501. Definitions.

For the purposes of this chapter—

* * * * *

(2) The term "World War I" includes, in the case of any veteran, any period of service performed by such veteran after November 11, 1918, and before July 2, 1921, if such veteran served in the active military, naval, or air service after April 5, 1917, and before November 12, 1918.

* * * * *

(As amended Pub. L. 94–169, title I, § 106(1), Dec. 23, 1975, 89 Stat. 1017.)

AMENDMENTS

1975—Par. (2). Pub. L. 94–169 substituted "such veteran" for "him".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

STUDY OF NEEDS AND PROBLEMS OF VETERANS AND THEIR WIDOWS SEVENTY-TWO YEARS OF AGE OR OLDER; REPORT TO CONGRESS AND PRESIDENT BY ADMINISTRATOR

Pub. L. 93–527, § 8, Dec. 21, 1974, 88 Stat. 1705, provided that:

"(a) The Administrator of Veterans' Affairs shall carry out an original study of the needs and problems of veterans and their widows seventy-two years of age or older. The study shall include (1) a profile of the current income characteristics of such veterans and their widows, describing the proportion and amount of income from all sources and the average necessary for all necessities such as rent, food, medical care, and other items; (2) an evaluation of the adequacy of the present veterans pension system to meet the needs of such veterans and widows; and (3) actuarial information concerning the present expected mortality rate of such veterans and their widows.

"(b) The Administrator shall report to the Congress and the President not later than one hundred and eighty days after the convening of the first session of the Ninety-fourth Congress the results of the study carried out under this section together with any recommendations for legislative or administrative action to improve the present program of pension benefits for such veterans and widows."

§ 502. Determinations with respect to disability.

(a) For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is sixty-five years of age or older or suffering from—

(1) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the disabled person; or

(2) any disease or disorder determined by the Administrator to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled.

(b) For the purposes of this chapter, a person shall be considered to be in need of regular aid and attendance if such person is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(c) For the purposes of this chapter, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to such veteran's house (ward or clinical areas, if institutionalized) or immediate premises due to a disability or disabilities which it is reasonably certain will remain throughout such veteran's lifetime. (As amended Pub. L. 94–169, title I, § 106(2), Dec. 23, 1975, 89 Stat. 1017.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–169 substituted "such person" for "he".

Subsec. (b). Pub. L. 94–169 substituted "such person" for "he".

Subsec. (c). Pub. L. 94–169 substituted "such veteran's" for "his" wherever appearing therein.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

§ 503. Determinations with respect to annual income.

(a) In determining annual income under this chapter, all payments of any kind or from any source (including salary, retirement or annuity payments, or similar income, which has been waived, irrespective of whether the waiver was made pursuant to statute, contract, or otherwise) shall be included except—

* * * * *

(7) amounts equal to amounts paid by a spouse of a veteran for the expenses of such veteran's last illness, and by a surviving spouse or child of a deceased veteran for—

(A) such veteran's just debts,

(B) the expenses of such veteran's last illness, and

(C) the expenses of such veteran's burial to the extent such expenses are not reimbursed under chapter 23 of this title;

(8) proceeds of fire insurance policies.

(9) amounts equal to amounts paid (A) by a veteran for the last illness and burial of such veteran's deceased spouse or child or (B) by a surviving spouse or a spouse of a veteran for the last illness and burial of a child of such veteran;

* * * * *

(14) amounts equal to prepayments on an indebtedness secured by a mortgage, or similar type security instrument, on real property (which was prior to death the principal residence of a veteran and spouse) made by the veteran or such veteran's surviving spouse, after the death of the spouse, during the year of death and the succeeding year, if said indebtedness was in existence at the time of death;

* * * * *

(16) payments received by a retired employee from such employee's former employer as reimbursement for monthly premiums for supplementary medical insurance benefits for the aged provided by part B of title XVIII of the Social Security Act, as amended; and

(17) payments of annuities elected under subchapter I of chapter 73 of title 10.

(b) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

(c) The Administrator may provide by regulation for the exclusion from income under this chapter of amounts paid by a veteran, surviving spouse, or child for unusual medical expenses. (As amended Pub. L. 92–198, § 2, Dec. 15, 1971, 85 Stat. 664; Pub. L. 92–425, § 6(2), Sept. 21, 1972, 86 Stat. 713; Pub. L. 94–169, title I, §§ 101(2)(A), 106 (3)–(8), Dec. 23, 1975, 89 Stat. 1013, 1017.)

AMENDMENTS

1975—Subsec. (a)(7). Pub. L. 94–169, § 106 (3), (4), substituted "spouse" for "wife", "such veteran's" for "his" and "surviving spouse" for "widow" in the introductory clause and "such veteran's" for "his" in subcls. (A), (B) and (C).

Subsec. (a)(9). Pub. L. 94–169, § 106(5), substituted "such veteran's" for "his" in subcl. (A) and "surviving spouse" and "spouse" for "widow" and "wife", respectively, in subcl. (B).

Subsec. (a)(14). Pub. L. 94–169, § 106(6), substituted "such veteran's surviving spouse" for "his widow".

Subsec. (a)(16). Pub. L. 94–169, §§ 101(2)(A), 106(7), added "and" following "as amended;", and substituted "such employee's" for "his", respectively.

Subsec. (c). Pub. L. 94–169, § 106(8), substituted "surviving spouse" for "widow".

1972—Par. (17). Pub. L. 92–425 substituted "subchapter I of chapter 73 of title 10" for "chapter 73 of title 10".

1971—Pub. L. 92–198 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1975 AMENDMENTS

Sections 101 and 106 of Pub. L. 94–169 provided in part that the amendment of subsec. (a)(16) of this section by section 101(2)(A) of Pub. L. 94–169, adding "and" following "as amended;", and amendment by section 106(7) of Pub. L. 94–169, substituting "such employee's" for "his", is effective Jan. 1, 1976.

Section 106 of Pub. L. 94–169 provided in part that the amendments of subsecs. (a) (7), (9), (14), and (c) by section 106 of Pub. L. 94–169 are effective Jan. 1, 1976.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 521 of this title.

§ 505. Payment of pension during confinement in penal institutions.

(a) No pension under public or private laws administered by the Veterans' Administration shall be paid to or for an individual who has been imprisoned in a Federal, State, or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after such individual's imprisonment begins and ending when such individual's imprisonment ends.

(b) Where any veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Administrator may apportion and pay to such veteran's spouse or children the pension which such veteran would receive for that period but for this section.

(c) Where any surviving spouse or child of a veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Administrator may (1) if the surviving spouse is so disqualified, pay to the child, or children, the pension which would be payable if there were no such surviving spouse or (2) if a child is so disqualified, pay to the surviving spouse or other children, as applicable, the pension which would be payable if there were no such child. (As amended Pub. L. 94–169, title I, § 106 (9)–(11), Dec. 23, 1975, 89 Stat. 1017.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–169, § 106(9), substituted "such individual's" for "his" wherever appearing therein.

Subsec. (b). Pub. L. 94–169, § 106(10), substituted "such veteran's spouse" for "his wife".

Subsec. (c). Pub. L. 94–169, § 106(11), substituted "surviving spouse" for "widow" wherever appearing therein.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

§ 506. Resource reports and overpayment adjustments.

(a) As a condition of granting or continuing pension under sections 521, 541, or 542 of this title, the Administrator—

(1) may require from any person applying for, or in receipt of, pension thereunder such information, proofs, or evidence as the Administrator desires in order to determine the annual income and the corpus of the estate of such person;

(2) shall require that any such person, other than a child or a person who has attained seventy-two years of age and has been paid pension thereunder during two consecutive calendar years, file each year with the Veterans' Administration (on the form prescribed by the Administrator) a report showing the total income which such person received during the preceding year, the corpus of such person's estate at the end of that year, and his estimate for the then current year of the total income such person expects to receive and of any expected increase in the corpus of such person's estate; and

(3) shall require that any such person promptly file a revised report whenever there is a material change in such person's estimated annual income or a material change in such person's estimate of the corpus of such person's estate.

* * * * *

(As amended Pub. L. 94–169, title I, § 106 (12)–(14), Dec. 23, 1975, 89 Stat. 1017.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–169 substituted "the Administrator" for "he" in par. (1), "the Administrator" for "him", "such person" for "he" and "such person's" for "his" wherever appearing therein, in par. (2), and "such person's" for "his" wherever appearing therein, in par. (3).

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

§ 507. Disappearance.

Where a veteran receiving pension under subchapter II of this chapter disappears, the Administrator may pay the pension otherwise payable to such veteran's spouse and children. In applying the provisions of this section, the Administrator may presume, without reports pursuant to section 506(a) of this title, that the status of the veteran at the time of disappearance, with respect to permanent and total disability, income, and net worth, continues unchanged. Payments made to a spouse or child under this section shall not exceed the amount to which each would be entitled if the veteran died of a non-service-connected disability. (As amended Pub. L. 94–169, title I, § 106(15), Dec. 23, 1975, 89 Stat. 1017.)

AMENDMENTS

1975—Pub L. 94–169 struck out "in his discretion" following "Administrator", substituted "payable to such veteran's spouse for "payable to his wife", and "made to a spouse" for "made to a wife".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

SUBCHAPTER II.—VETERANS' PENSIONS

SERVICE PENSION

§ 510. Repealed. Pub. L. 94–169, title I, § 101(2)(F), Dec. 23, 1975, 89 Stat. 1014.

Section, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1135, provided for a monthly pension for persons who served in the military or naval forces of the Confederate States of America.

EFFECTIVE DATE OF REPEAL

Section 101 of Pub. L. 94–169 provided in part that repeal of section is effective Jan. 1, 1976.

§ 511. Indian War veterans.

* * * * *

(b) A veteran meets the service requirements of this section if such veteran served in one of the Indian Wars—

(1) for thirty days or more; or

(2) for the duration of such Indian War;

in any military organization, whether or not such service was the result of regular muster into the service of the United States, if such service was under the authority or by the approval of the United States or any State.

(c)(1) Any veteran eligible for pension under this section shall, if such veteran so elects, be paid pension at the rates prescribed by section 521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable, except as provided in paragraph (2).

(2) The Administrator shall pay each month to each veteran of the Indian Wars who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that provided by paragraph (2) of subsection (a) of this section, or (B) that which is payable to the veteran under section 521 of this title if such veteran has elected, or would be payable if such veteran were to elect, to receive pension under such section pursuant to paragraph (1) of this subsection. Each change in the amount of pension payment required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor. (As amended Pub. L. 94–169, title I, § 106(16), Dec. 23, 1975, 89 Stat. 1017.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 94–169 substituted "such veteran" for "he".

Subsec. (c). Pub. L. 94–169, substituted "such veteran" for "he" wherever appearing therein.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

§ 512. Spanish-American War veterans.

(a)(1) The Administrator shall pay to each veteran of the Spanish-American War who meets the service requirements of this subsection a pension at the following monthly rate:

(A) $101.59; or

(B) $135.45 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if such veteran served in the active military or naval service—

(A) for ninety days or more during the Spanish-American War;

(B) during the Spanish-American War and was discharged or released from such service for a service-connected disability; or

(C) for a period of ninety consecutive days or more and such period began or ended during the Spanish-American War.

(3)(A) Any veteran eligible for pension under this subsection shall, if such veteran so elects, be paid pension at the rates prescribed by section 521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable, except as provided in subparagraph (B).

(B) The Administrator shall pay each month to each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (i) that provided by subparagraph (B) of subsection (a)(1) of this section, or (ii) that which is payable to the veteran under section 521 of this title if such veteran has elected, or would be payable if such veteran were to elect, to receive pension under such section pursuant to subparagraph (A) of this paragraph. Each change in the amount of pension payment required by this subparagraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor.

(b)(1) The Administrator shall pay to each veteran of the Spanish-American War who does not meet the service requirements of subsection (a), but who meets the service requirements of this subsection, a pension at the following monthly rate:

(A) $67.73; or

(B) $88.04 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if such veteran served in the active military or naval service—

(A) for seventy days or more during the Spanish-American War; or

(B) for a period of seventy consecutive days or more and such period began or ended during the Spanish-American War.

(As amended Pub. L. 94–169, title I, § 106(17), Dec. 23, 1975, 89 Stat. 1017.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–169 substituted "such veteran" for "he" wherever appearing therein.

Subsec. (b). Pub. L. 94–169 substituted "such veteran" for "he".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

NON-SERVICE-CONNECTED DISABILITY PENSION

§ 521. Veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era.

* * * * *

(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of this spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $160. For each $1 of annual income in excess of $300 up to and including $500, the monthly rate shall be reduced 3 cents; for each $1 annual income in excess of $500 up to and including $900, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $900 up to and including $1,500, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,500 up to and including $1,900, the monthly rate shall be reduced 6 cents; for each $1 of annual income in excess of $1,900 up to and including $2,300, the monthly rate shall be reduced 7 cents; and for each $1 of annual income in excess of $2,300 up to and including $3,000, the monthly rate shall be reduced 8 cents; but in no event shall the monthly rate of pension be less than $5. No pension shall be paid if annual income exceeds $3,000.

(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $172 for a veteran and one dependent, $177 for a veteran and two dependents, and $182 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $700, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $700 up to and including $1,800, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,800 up to and including $3,000, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $3,000 up to and including $3,500, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $3,500 up to and including $3,800, the monthly rate shall be reduced 6 cents; for each $1 of annual income in excess of $3,800 up to and including $4,000, the monthly rate shall be reduced 7 cents; and for each $1 of annual income in excess of $4,000 up to and including $4,200, the monthly rate shall be reduced 8 cents. No pension shall be paid if annual income exceeds $4,200.

(d) If the veteran is in need of regular aid and attendance, the monthly rate payable to him under subsection (b) or (c) shall be increased by $123.

(e) If the veteran has a disability rated as permanent and total, and (1) has additional disability or disabilities independently ratable at 60 per centum or more, or (2) by reason of his disability or disabilities, is permanently housebound but does not qualify for the aid and attendance rate under subsection (d) of this section, the monthly rate payable to him under subsection (b) or (c) shall be increased by $49.

* * * * *

(g) A veteran meets the service requirements of this section if such veteran served in the active military, naval, or air service—

* * * * *

(3) for a period of ninety consecutive days or more and such period ended during the Mexican border period or World War I, or began or ended during World War II, the Korean conflict, or the Vietnam era; or

* * * * *

(As amended Pub. L. 92–198, §§ 1(a), (b), 5(b), Dec. 15, 1971, 85 Stat. 663, 664; Pub. L. 93–177, § 1(a), (b), Dec. 6, 1973, 87 Stat. 694; Pub. L. 93–527, § 2, Dec. 21, 1974, 88 Stat. 1702; Pub. L. 94–169, title I, §§ 102, 106(18), Dec. 23, 1975, 89 Stat. 1014, 1018.)

PENSIONS FOR PERIOD BEGINNING JANUARY 1, 1976 AND ENDING SEPTEMBER 30, 1976

Section 102 of Pub. L. 94–169 provided that for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, subsecs. (b)–(e) of this section will read as follows:

"(b)(1) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of such veteran's spouse) and has no child, pension shall be paid to the veteran according to the following formula:

"The monthly rate of pension shall be $173 reduced by—	*For each $1 of annual income*	
	Which is more than—	*But not more than—*
$0.00	0	$300
.03	$300	500
.04	500	700
.05	700	1,200
.06	1,200	1,700
.07	1,700	2,000
.08	2,000	3,300

"(2) In no case may the amount of pension payable to any veteran under this subsection be less than $5 monthly.

"(3) In no case may pension be paid under this subsection to any veteran if the annual income of such veteran exceeds $3,300.

"(c)(1) If the veteran is married and living with or reasonably contributing to the support of such veteran's spouse, or has a child or children, pension shall be paid to the veteran according to the following formula:

"The monthly rate of pension for a veteran shall be— $186 if such veteran has one such dependent; $191 if such veteran has two such dependents; and $196 if such veteran has three or more such dependents; reduced by—	*For each $1 of annual income*	
	Which is more than—	*But not more than—*
$0.00	0	$500
.02	$500	700
.03	700	1,300
.04	1,300	2,800
.05	2,800	3,200
.06	3,200	3,800
.08	3,800	4,500

"(2) In no case may the amount of pension payable to any veteran under this subsection be less than $5 monthly.

"(3) In no case may pension be paid under this subsection to any veteran if the annual income of such veteran exceeds $4,500.

"(d) If the veteran is in need of regular aid and attendance, the monthly rate payable to such veteran under subsection (b) or (c) shall be increased by $133.

"(e) If the veteran has a disability rated as permanent and total, and (1) has additional disability or disabilities independently ratable at 60 per centum or more, or, (2) by reason of such veteran's disability or disabilities, is permanently housebound but does not qualify for the aid and attendance rate under subsection (d) of this section, the monthly rate payable to such veteran under subsection (b) or (c) shall be increased by $53."

AMENDMENTS

1975—Subsec. (b). Pub. L. 94–169, § 102(1), increased, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, the monthly rate of pension from $160 to $173, substituted $500 to $700 for $500 to $900, $700 to $1200 for $900 to $1500, $1200 to $1700 for $1500 to $1900, $1700 to $2000 for $1900 to $2300, $2000 to $3300 for $2300 to $3000 the minimum and maximum income ranges for which the pension rate will be reduced by 4, 5, 6, 7 and 8 cents per dollar, respectively, and increased from $3000 to $3300 the maximum income in excess of which no pension shall be paid.

Subsec. (c). Pub. L. 94–169, § 102(1), increased, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, from $172 to $186, from $177 to $191 and from $182 to $196 the rate of pension of a veteran with 1, 2 and 3 dependants, respectively, substituted $700 to $1300 for $700 to $1800, $1300 to $2800 for $1800 to $3000, $2800 to $3200 for $3000 to $3500, $3200 to $3800 for $3500 to $3800, and $3800 to $4500 for $4000 to $4200 the minimum and maximum income ranges for which the pension rate will be reduced by 3, 4, 5, 6 and 8 cents per dollar, respectively, struck out the income range of $3800 to $4000 for which the reduction rate is 7 cents per dollar, increased from $4200 to $4500 the income in excess of which no pension shall be paid, and added provision that in no case may the amount of pension be less than $5 monthly.

Subsec. (d). Pub. L. 94–169, § 102(2), substituted, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "such veteran" for "him" and "$133" for "$123".

Subsec. (e). Pub. L. 94–169, § 102(3), substituted, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "such veteran's" for "his", "such veteran" for "him" and "$53" for "$49".

Subsec. (g). Pub. L. 94–169, § 106(18), substituted "such veteran" for "he".

1974—Subsec. (b). Pub. L. 93–527, § 2(1), substituted "$160" for "$143", "$500" for "$800" wherever appearing therein; "$900" for "$1300" whenever appearing therein; "$1500" for "$1600" wherever appearing therein; "$1900" for "$2200" wherever appearing therein; "$2300" for "$2500" wherever appearing therein; and "$3000" for "$2600" wherever appearing therein; and added the provision that in no event should the monthly rate of pension be less than $5.00.

Subsec. (c). Pub. L. 93–527, § 2(2), substituted "$172" for "$154", "$177" for "$159", "$182" for "$164", "$700" for "$800" wherever appearing herein; "$1800" for "$2600" wherever appearing therein; "$3000" for "$3200" wherever appearing therein; "$3500" for "$3700" wherever appearing therein, and added the provisions for the reduction by 7 cents for each dollar of annual income in excess of $3800 up to and including $4000, and reduction by 8 cents for each dollar of annual income in excess of $4000 up to and including $4200, and raised the maximum income from $3800 to $4200.

Subsec. (d). Pub. L. 93–527, § 2(3), substituted "$123" for "$110".

Subsec. (e). Pub L 93–527, § 2(4), substituted "$49" for "$44"

1973—Subsec. (b). Pub. L. 93–177, § 1(a), substituted "$143" for "$130", "$800" for "$1,000", "$1,300" for "$1,500", "$1,600" for "$1,800", and "$2,500" for "$2,600" in the existing provisions and added provision for a reduction of 8 cents in the monthly rate for each $1 of annual income in excess of $2,500 up to and including $2,600.

Subsec. (c). Pub. L. 93–177, § 1(b), substituted "$154" for "$140", "$159" for "$145", "$164" for "$150", "$800" for "$900", "$2,600" for "$3,200", and "$3,700" for "$3,800" in the existing provisions and added provisions for a reduction of 4 cents in the monthly rate for each $1 of annual income in excess of $2,600 up to and including $3,200 and for a reduction of 6 cents in the monthly rate for each $1 of annual income in excess of $3,700 up to and including $3,800.

1971—Subsec. (b). Pub. L. 92–198, § 1(a), substituted formula for computing monthly pension rates of single veteran providing for a maximum monthly pension for each group within designated income category and for computing each individual's monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out the income and pension rates, and raised the maximum income from $2300 to $2600.

Subsec. (c). Pub. L. 92–198, § 1(b), substituted formula for computing monthly pension rates of veteran with dependents by providing for maximum monthly pension for each group within designated income category depending on the number of dependents and for computing each individual's monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out the income and pension rates, and raised the maximum income limit from $3500 to $3800.

Subsec. (g)(3). Pub. L. 92–198, § 5(b), added reference to Mexican border period.

EFFECTIVE AND TERMINATION DATE OF 1975 AMENDMENTS

Section 102 of Pub. L. 94–169 provided in part that amendments of subsecs. (b) to (e) of this section by section 102 of Pub. L. 94–169 are effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976.

Section 106 of Pub. L. 94–169 provided in part that amendment of subsec. (g) of this section by section 106 of Pub. L. 94–169 is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 10 of Pub. L. 93–527 provided that: "This Act [amending this section and sections 103, 415, 541, 542, 544 and 3010 of this title, and enacting the provisions set out as notes under this section and section 501 of this title] shall take effect on January 1, 1975."

EFFECTIVE DATE OF 1973 AMENDMENT

Section 8 of Pub. L. 93–177 provided that: "This Act [amending this section and sections 415, 541, 542, 3010, and 3203 of this title and enacting provisions set out as a note under section 3010 of this title] shall take effect on January 1, 1974."

EFFECTIVE DATE OF 1971 AMENDMENT

Section 6 of Pub. L. 92–198 provided that: "This Act [amending this section and note hereunder and sections 101, 503, 541, 542, and 3012 of this title] shall take effect on January 1, 1972."

SHORT TITLE

Section 1 of Pub. L. 93–527 provided: "That this Act [amending this section, and sections 103, 415, 541, 542, 544, and 3010 of this title, and enacting provisions set out as notes under this section and section 501 of this title] may be cited as the 'Veterans and Survivors Pension Adjustment Act of 1974'."

SAVINGS CLAUSE

Section 107 of Pub. L. 94–169 provided that, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, section 4 of Pub. L. 90–275 [set out below] will read as follows:

"The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [set out as a note under this section] hereafter shall be $2,900 and $4,200, instead of $2,600 and $3,900, respectively."

Section 4 of Pub. L. 90–275, as amended by section 5 of Pub. L. 91–588, section 4 of Pub. L. 92–198 and section 6 of Pub. L. 93–527, provided that: "The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [set out as a note under this section] hereafter shall be $2,600 and $3,900, instead of $2,200 and $3,500, respectively."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 506, 511, 512, 522, 523, 541, 542, 3203 of this title.

§ 523. Combination of ratings.

* * * * *

(b) Where a veteran, by virtue of subsection (a), is found to be entitled to a pension under section 521 of this title, and is entitled to compensation for a service-connected disability, the Administrator shall pay such veteran the greater benefit. (As amended Pub. L. 94–169, title I, § 106(19), Dec. 23, 1975, 89 Stat. 1018.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 94–169 substituted "such veteran" for "him".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

SUBCHAPTER III.—PENSIONS TO SURVIVING SPOUSES AND CHILDREN

AMENDMENTS

1975—Pub. L. 94–169, title I, § 101(2)(G), Dec. 23, 1975, 89 Stat. 1014, substituted "Surviving Spouses" for "Widows" in subchapter heading.

WARS BEFORE WORLD WAR I

§ 531. Repealed. Pub. L. 94–169, title I, § 101(2)(F), Dec. 23, 1975, 89 Stat. 1014.

Section, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1137; Pub. L. 90–77, title I, § 105, Aug. 31, 1967, 81 Stat. 179, provided for a monthly pension to widows of Mexican War veterans.

EFFECTIVE DATE OF REPEAL

Section 101 of Pub. L. 94–169 provided in part that repeal of section is effective Jan. 1, 1976.

§ 532. Surviving spouses of Civil War veterans.

(a) The Administrator shall pay to the surviving spouse of each Civil War veteran who met the service requirements of this section a pension at the following monthly rate:

(1) $40.64 if such surviving spouse is below seventy years of age; or

(2) $70 if such surviving spouse is seventy years of age or older;

unless such surviving spouse was the spouse of the veteran during such veteran's service in the Civil War, in which case the monthly rate shall be $75.

(b) If there is a child of the veteran, the rate of pension paid to the surviving spouse under subsection (a) shall be increased by $8.13 per month for each such child.

(c) A veteran met the service requirements of this section if such veteran served for ninety days or more in the active military or naval service during

the Civil War, as heretofore defined under public laws administered by the Veterans' Administration, or if such veteran was discharged or released from such service upon a surgeon's certificate of disability.

(d) No pension shall be paid to a surviving spouse of a veteran under this section unless such surviving spouse was married to such veteran—

(1) before June 27, 1905; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(As amended Pub. L. 94–169, title I, § 106 (20)–(23), Dec. 23, 1975, 89 Stat. 1018.)

AMENDMENTS

1975—Pub. L. 94–169, § 106(23), substituted "Surviving spouses" for "Widows" in section catchline.

Subsec. (a). Pub. L. 94–169, § 106(20), substituted "pay to the surviving spouse" for "pay to the widow", "such surviving spouse" for "she" wherever appearing therein, "was the spouse" for "was the wife" and "such veteran's" for "his".

Subsec. (b). Pub. L. 94–169, § 106(21), substituted "surviving spouse" for "widow".

Subsec. (c). Pub. L. 94–169, § 106(21) substituted "such veteran" for "he" wherever appearing therein.

Subsec. (d). Pub. L. 94–169, § 106(22), substituted "surviving spouse", "such surviving spouse" and "such veteran" for "widow", "she" and "him", respectively.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

§ 533. Children of Civil War veterans.

Whenever there is no surviving spouse entitled to pension under section 532 of this title, the Administrator shall pay to the children of each Civil War veteran who met the service requirements of section 532 of this title a pension at the monthly rate of $74.13 for one child, plus $8.13 for each additional child, with the total amount equally divided. (As amended Pub. L. 94–169, title I, § 106(25), Dec. 23, 1975, 89 Stat. 1018.)

AMENDMENTS

1975—Pub. L. 94–169 substituted "surviving spouse" for "widow".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

§ 534. Surviving spouses of Indian War veterans.

(a) The Administrator shall pay to the surviving spouse of each Indian War veteran who met the service requirements of section 511 of this title a pension at the following monthly rate:

(1) $40.64 if such surviving spouse is below seventy years of age; or

(2) $70 if such surviving spouse is seventy years of age or older; unless such surviving spouse was the spouse of the veteran during such veteran's service in one of the Indian Wars, in which case the monthly rate shall be $75.

(b) If there is a child of the veteran, the rate of pension paid to the surviving spouse under subsection (a) shall be increased by $8.13 per month for each such child.

(c) No pension shall be paid to a surviving spouse of a veteran under this section unless such surviving spouse was married to such veteran—

(1) before March 4, 1917; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(As amended Pub. L. 94–169, title I, § 106(26)–(29), Dec. 23, 1975, 89 Stat. 1018.)

AMENDMENTS

1975—Pub. L. 94–169, § 106(29), substituted "Surviving spouses" for "Widows" in section catchline.

Subsec. (a). Pub.L. 94–169, § 106(26), substituted "pay to a surviving spouse" for "paid to a widow", "unless such surviving spouse" for "she" wherever appearing, "was the spouse" for "was the wife" and "such veteran's" for "his".

Subsec. (b). Pub.L. 94–169, § 106(27), substituted "surviving spouse" for "widow".

Subsec. (c). Pub.L. 94–169, § 106(28), substituted "paid to a surviving spouse" for "paid to a widow", unless such surviving spouse" for "unless she" and "such veteran" for "him".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub.L. 94–169 provided in part that the amendment of this section by Pub.L. 94–169 is effective Jan. 1, 1976.

§ 535. Children of Indian War veterans.

Whenever there is no surviving spouse entitled to pension under section 534 of this title, the Administrator shall pay to the children of each Indian War veteran who met the service requirements of section 511 of this title a pension at the monthly rate of $73.13 for one child, plus $8.13 for each additional child, with the total amount equally divided. (As amended Pub. L. 94–169, title I, § 106(31), Dec. 23, 1975, 89 Stat. 1018.)

AMENDMENTS

1975—Pub. L. 94–169 substituted "surviving spouse" for "widow".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub.L. 94–169 provided in part that the amendment of this section by Pub.L. 94–169 is effective Jan. 1, 1976.

§ 536. Surviving spouses of Spanish-American War veterans.

(a) The Administrator shall pay to the surviving spouse of each Spanish-American War veteran who met the service requirements of section 512 (a) of this title a pension at the monthly rate of $70, unless such surviving spouse was the spouse of the veteran during such veteran's service in the Spanish-American War, in which case the monthly rate shall be $75.

(b) If there is a child of the veteran, the rate of pension paid to the surviving spouse under subsection (a) shall be increased by $8.13 per month for each such child.

(c) No pension shall be paid to a surviving spouse of a veteran under this section unless such surviving spouse was married to such veteran—

(1) before January 1, 1938; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(d)(1) Any surviving spouse eligible for pension under this section shall, if such surviving spouse so elects, be paid pension at the rates prescribed by section 541 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to surviving spouses of veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable, except as provided in paragraph (2).

(2) The Administrator shall pay each month to the surviving spouse of each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that which is payable to such surviving spouse under subsections (a) and (b) of this section as increased by section 544 of this title; or (B) that which is payable under section 541 of this title, as increased by such section 544, to a surviving spouse of a World War I veteran with the same annual income and corpus of estate. Each change in the amount of pension required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor. (As amended Pub. L. 92–328, title I, § 107, June 30, 1972, 86 Stat. 395; Pub. L. 94–169, title I, § 106 (32)–(37), Dec. 23, 1975, 89 Stat. 1018, 1019.)

AMENDMENTS

1975—Pub. L. 94–169, § 106(37), substituted "Surviving spouses" for "Widows" in section catchline.

Subsec. (a). Pub.L. 94–169, § 106(32), substituted "pay to the surviving spouse" for "pay to the widow", "unless such surviving spouse" for "unless she", "the spouse" for "the wife" and "such veteran's" for "his".

Subsec. (b). Pub.L. 94–169, § 106(33), substituted "surviving spouse" for "widow".

Subsec. (c). Pub.L. 94–169, § 106(33), substituted "paid to a surviving spouse" for "paid to a widow", "unless such surviving spouse" for "unless she" and "such veteran" for "him".

Subsec. (d)(1). Pub.L. 94–169, § 106(34), substituted "Any surviving spouse" for "Any widow", "if such surviving spouse" for "if she" and "surviving spouses" for "widows".

Subsec. (d)(2). Pub.L. 94–169, § 106(35),(36), substituted "surviving spouse" for "widow" wherever appearing therein, and "such surviving spouse" for "her".

1972—Subsec. (d). Pub. L. 92–328 added subsec. (d).

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub.L. 94–169 provided in part that the amendment of this section by Pub.L. 94–169 is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective on the first day of the second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92–328, set out as a note under section 314 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 537 of this title.

§ 537. Children of Spanish-American War veterans.

Whenever there is no surviving spouse entitled to pension under section 536 of this title, the Administrator shall pay to the children of each Spanish-American War veteran who met the service requirements of section 512 (a) of this title a pension at the monthly rate of $73.13 for one child, plus $8.13 for each additional child, with the total amount equally divided. (As amended Pub. L. 94–169, title I, § 106(39), Dec. 23, 1975, 89 Stat. 1019.)

AMENDMENTS

1975—Pub. L. 94–169 substituted "surviving spouse" for "widow".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub.L. 94–169 provided in part that the amendment of this section by Pub.L. 94–169 is effective Jan. 1, 1976.

MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, KOREAN CONFLICT, AND THE VIETNAM ERA

§ 541. Surviving Spouses of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans.

(a) The Administrator shall pay to the surviving spouse of each veteran of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era who met the service requirements of section 521 of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the rate prescribed by this section.

(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $108. For each $1 of annual income in excess of $300 up to and including $600, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $600 up to and including $900, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $900 up to and including $2,100, the monthly rate shall be reduced 4 cents; and for each $1 of annual income in excess of $2,100 up to and including $3,000, the monthly rate shall be reduced 5 cents; but in no event shall the monthly rate of pension be less than $5. No pension shall be paid if annual income exceeds $3,000.

(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $700 or less, the monthly rate of pension shall be $128. For each $1 of annual income in excess of $700 up to and including $1,100, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,100 up to and including $2,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $2,100 up to and including $3,000, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,000 up to and including $4,200, the monthly rate shall be reduced 4 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $4,200.

(d) If there is a widow and more than one child, the monthly rate payable under subsection (c) shall be increased by $20 for each additional child.

(e) No pension shall be paid to a surviving spouse of a veteran under this section unless the spouse was married to the veteran—

(1) before (A) December 14, 1944, in the case of a surviving spouse of a Mexican border period

or World War I veteran, or (B) January 1, 1957, in the case of a surviving spouse of a World War II veteran, or (C) February 1, 1965, in the case of a surviving spouse of a Korean conflict veteran, or (D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(f) As used in this section and section 542 of this title, the term "veteran" includes a person who has completed at least two years of honorable active military, naval, or air service, as certified by the Secretary concerned, but whose death in such service was not in line of duty. (As amended Pub. L. 92–198, § 1(c), (d), (e), Dec. 15, 1971, 85 Stat. 663, 664; Pub. L. 93–177, § 1(c), (d), 2, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93–527, § 3, Dec. 21, 1974, 88 Stat. 1703; Pub. L. 94–169, title I, §§ 101(2)(B), (C), (H), 103, 106(40), Dec. 23, 1975, 89 Stat. 1013, 1014, 1016, 1019.)

PENSIONS FOR PERIOD BEGINNING JANUARY 1, 1976 AND ENDING SEPTEMBER 30, 1976

Section 103 of Pub. L. 94–169 provided that, for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, subsecs. (b)–(d) of this section will read as follows:

"(b)(1) If there is no child, pension shall be paid to the surviving spouse according to the following formula:

"The monthly rate of pension shall be $117 reduced by—	For each $1 of annual income	
	Which is more than—	But not more than—
$0.00	0	$300
.01	$300	600
.03	600	900
.04	900	1,500
.05	1,500	2,700
.06	2,700	3,300

"(2) In no case may the amount of pension payable to any surviving spouse under this subsection be less than $5 monthly.

"(3) In no case may pension be paid under this subsection to any surviving spouse if the annual income of such surviving spouse exceeds $3,300.

"(c)(1) If there is a surviving spouse and one child, pension shall be paid to the surviving spouse according to the following formula:

"The monthly rate of pension shall be $159 reduced by—	For each $1 of annual income	
	Which is more than—	But not more than—
$0.00	0	$700
.01	$700	1,100
.03	1,100	1,700
.03	1,800	2,700
.04	2,700	3,500
.05	3,500	4,500

"(2) In no case may pension be paid under this subsection to any surviving spouse if the annual income of such surviving spouse exceeds $4,500.

"(3) Whenever the monthly rate payable to any surviving spouse under paragraph (1) of this subsection is less than the amount which would be payable for one child under section 542 of this title if the surviving spouse were not entitled, the surviving spouse shall be paid at the child's rate.

"(d) If there is a surviving spouse and more than one child, the monthly rate payable under subsection (c) shall be increased by $22 for each additional child."

AMENDMENTS

1975—Pub. L. 94–169, §101(2)(H), substituted "Surviving Spouses" for "Widows" in section catchline.

Subsec. (a). Pub. L. 94–169, § 101(2)(B), substituted "surviving spouse" for "widow" and struck out "his" preceding "death".

Subsec. (b). Pub. L. 94–169, § 103(1), increased, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, the monthly rate of pension from $108 to $117, substituted $900 to $1500 for $900 to $2100, $1500 to $2700 for $2100 to $3000 the minimum and maximum income ranges for which the pension rates will be reduced by 4 and 5 cents per dollar, respectively, added the income range of $2700 to $3300 for which the pension rate will be reduced by 6 cents, and increased from $3000 to $3300 the maximum income in excess of which no pension will be paid.

Subsec. (c). Pub. L. 94–169, § 103(1), increased, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, the pension rate from $128 to $139, substituted $1100 to $1800 for $1100 to $2100, $1800 to $2700 for $2100 to $3000, $2700 to $3500 for $3000 to $4200 the minimum and maximum income ranges for which the pension rates will be reduced by 2, 3 and 4 cents per dollar, respectively, added the income range of $3500 to $4500 for which the rate will be reduced by 5 cents, and increased the maximum income from $4200 to $4500 in excess of which no pension will be paid.

Subsec. (d). Pub. L. 94–169, § 103(2), substituted, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "surviving spouse" for "widow" and "$22" for "$20".

Subsec. (e). Pub. L. 94–169, § 101(2)(C), substituted "to a surviving spouse of a veteran under this section unless the spouse was married to the veteran" for "to a widow of a veteran under this section unless she was married to him", and "(D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran" for "(D) before the expiration of ten years following termination of the Vietnam era in the case of a widow of a Vietnam era veteran".

Subsec. (e)(1). Pub. L. 94–169, § 106(40), substituted "surviving spouse" for "widow" in subcls. (A), (B) and (C).

1974—Subsec. (b). Pub. L. 93–527, § 3(1), substituted "$108" for "$96", "$900" for "$1400" wherever appearing therein, and "$2100" for "$2600", and added the provisions for the reduction by 5 cents for each dollar of annual income in excess of $2100 up to and including $3000, that in no event shall monthly rate of pension be less than $5.00, and raising the maximum income from $2600 to $3000.

Subsec. (c). Pub. L. 93–527, § 3(2), substituted "$128" for "$114", and "$2100" for "$2500" wherever appearing therein, "$3000" for "$3400" wherever appearing therein, and "$4200" for "$3800" wherever appearing therein.

Subsec. (d). Pub. L. 93–527, § 3(3). substituted "$20" for "$18".

Subsec. (f). Pub. L. 93–527, § 3(4), added subsec. (f).

1973—Subsec. (b). Pub. L. 93–177, § 1(c), substituted "$86" for "$87" and "$1,400" for "$1,900".

Subsec. (c). Pub. L. 93–177, § 1(d), substituted "$700" for "$600", "$114" for "$104", "$1,100" for "$1,400", "$2,500" for "$2,700", and "$3,400" for "$3,800" in the existing provisions and added provision for a reduction of 4 cents in the monthly rate for each $1 of annual income in excess of $3,400 up to and including $3,800.

Subsec. (d). Pub. L. 93–177, § 2, substituted "$18" for "$17".

1971—Subsec. (b). Pub. L. 92–198, § 1(c), substituted formula for computing monthly pension rates of widow without child by providing for a maximum monthly pension for each group within designated income category and for computing each individual's monthly pension by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out income and pension rates, and raised the maximum income from $2,300 to $2,600.

Subsec. (c). Pub. L. 92–198, § 1(d), substituted formula for computing monthly pension rates of widow with one child by providing for a maximum monthly pension for each group with designated annual income category and for computing each individual's monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out income and pension rates, and further providing that whenever the monthly rate payable is less than the amount payable to the child under section 542 of this title, the widow would be paid at the child's rate, and raised the maximum income from $3,500 to $3,800.

Subsec. (d) Pub. L. 92–198, § 1(e), substituted "$17" for "$16".

EFFECTIVE AND TERMINATION DATE OF 1975 AMENDMENTS

Sections 101 and 106 of Pub. L. 94–169 provided in part that amendment of subsec. (a) of this section by section 101 of Pub. L. 94–169 and amendment of subsec. (e) by sections 101 and 106 of Pub. L. 94–169 are effective Jan. 1, 1976.

Section 103 of Pub. L. 94–169 provided in part that amendment of subsecs. (b) to (d) of this section by section 103 of Pub. L. 94–169 are effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–177 effective Jan. 1, 1974, see section 8 of Pub. L. 93–177, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1971 AMENDMENTS

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 506, 536, 542, 543 of this title.

§ 542. Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans.

(a) Whenever there is no surviving spouse entitled to pension under section 541 of this title, the Administrator shall pay to the child or children of each veteran of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era who met the service requirements of section 521 of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the monthly rate of $49 for one child, and $20 for each additional child.

* * * * *

(c) No pension shall be paid under this section to a child whose annual income, excluding earned income, exceeds $2,400. (As amended Pub. L. 92–198, § 1(f), Dec. 15, 1971, 85 Stat. 664; Pub. L. 93–177, § 3, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93–527, § 4, Dec. 21, 1974, 88 Stat. 1703; Pub. L. 94–169, title I, §§ 101(2)(D), 104, Dec. 23, 1975, 89 Stat. 1014, 1016.)

PENSIONS FOR PERIOD BEGINNING JANUARY 1, 1976 AND ENDING SEPTEMBER 30, 1976

Section 104 of Pub. L. 94–169 provided that, for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, subsecs. (a) and (c) of this section will read as follows:

"(a) Whenever there is no surviving spouse entitled to pension under section 541 of this title, the Administrator shall pay to the child or children of each veteran of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era, who met the service requirements of section 521 of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the monthly rate of $53 for one child, and $22 for each additional child.

"(c) No pension shall be paid under this section to a child whose annual income, excluding earned income, exceeds $2,700."

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–169, §§ 101(2)(D), 104(1), substituted "surviving spouse" for "widow", struck out "his" preceding "death," and, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, substituted "$53" for "$49" and "$22" for "$20".

Subsec. (c). Pub. L. 94–169, § 104, substituted, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "$2700" for "$2400".

1974—Subsec. (a). Pub. L. 93–527, § 4(1), substituted "$49" and "$20" for "$44" and "$18" respectively.

Subsec. (c). Pub. L. 93–527, § 4(2), substtiuted "$2,400" for "$2,000".

1973—Subsec. (a). Pub. L. 93–177 substituted "$44" for "$42" and "$18" for "$17".

1971—Subsec. (a). Pub. L. 92–198 substituted "$42" and "$17" for "$40" and "$16" respectively.

EFFECTIVE AND TERMINATION DATE OF 1975 AMENDMENTS

Section 101 of Pub. L. 94–169 provided in part that amendment of subsec. (a) of this section by section 101 of Pub. L. 94–169, substituting "surviving spouse" for "widow" and striking out "his" preceding "death" is effective Jan. 1, 1976.

Section 104 of Pub. L. 94–169 provided in part that amendment of subsec. (a) of this section by section 104 of Pub. L. 94–169, substituting "$53" for "$49" and "$22" for "$20", and amendment of subsec. (c) of this section by section 104 of Pub. L. 94–169, is effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–177 effective Jan. 1, 1974, see section 8 of Pub. L. 93–177, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 506, 541, 543 of this title.

§ 543. Net worth limitation.

The Administrator shall deny or discontinue payment of pension under sections 541 or 542 of this title to a surviving spouse or child when the corpus of the estate of the survivor concerned is such that under

all the circumstances, including consideration of income, it is reasonable that some part of the corpus be consumed for the survivor's maintenance. (As amended Pub. L. 94–169, title I, § 101(2)(E), Dec. 23, 1975, 89 Stat. 1014.)

AMENDMENTS

1975—Pub. L. 94–169 substituted "surviving spouse" for "widow".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 101 of Pub. L. 94–169 provided in part that amendment by Pub. L. 94–169 is effective Jan. 1, 1976.

SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR

AMENDMENTS

1975—Pub. L. 94–169, title I, § 101(2)(I), Dec. 23, 1975, 89 Stat. 1014, substituted "Surviving Spouses" for "Widows" in subheading.

§ 544. Aid and attendance allowance.

If any widow is entitled to pension under this subchapter and is in need of regular aid and attendance, the monthly rate of pension payable to her shall be increased by $64. (As amended Pub. L. 93–527, § 5, Dec. 21, 1974, 88 Stat. 1704; Pub. L. 94–169, title I, § 105, Dec. 23, 1975, 89 Stat. 1017.)

PENSION FOR PERIOD BEGINNING JANUARY 1, 1976 AND ENDING SEPTEMBER 30, 1976

Section 105 of Pub. L. 94–169 provided that, for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, this section will read as follows:

"If any surviving spouse is entitled to pension under this subchapter and is in need of regular aid and attendance, the monthly rate of pension payable to the surviving spouse shall be increased by $69."

AMENDMENTS

1975—Pub. L. 94–169 substituted, effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "surviving spouse" for "widow", "to the surviving spouse" for "to her", and "$69" for "$64".

1974—Pub. L. 93–527 substituted "$64" for "$55".

EFFECTIVE AND TERMINATION DATE OF 1975 AMENDMENT

Section 105 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 shall be effective for the period beginning Jan. 1, 1976, and ending Sept. 30, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 536 of this title.

SUBCHAPTER IV.—ARMY, NAVY, AIR FORCE, AND COAST GUARD MEDAL OF HONOR ROLL

§ 560. Medal of Honor Roll; persons eligible.

* * * * *

(b) Upon written application to the Secretary concerned, the Secretary shall enter and record on such roll the name of each surviving person who has served on active duty in the armed forces of the United States and who has been awarded a medal of honor for distinguishing such person conspicuously by gallantry and intrepidity at the risk of such person's life above and beyond the call of duty while so serving.

* * * * *

(As amended Pub. L. 94–169, title I, § 106(41), Dec. 23, 1975, 89 Stat. 1019.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 94–169, substituted "such person" for "himself" and "such person's" for "his".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

§ 561. Certificate.

(a) The Secretary concerned shall determine whether or not each applicant is entitled to have such person's name entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll. If the official award of the Medal of Honor to the applicant, or the official notice to such person thereof, shows that the Medal of Honor was awarded to the applicant for an act described in section 560 of this title, such award or notice shall be sufficient to entitle the applicant to have such person's name entered on such roll without further investigation; otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence on file in any public office or department shall be considered.

(b) Each person whose name is entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll shall be furnished a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the Medal of Honor was awarded, of enrollment on such roll, and, if such person has indicated such person's desire to receive the special pension provided by section 562 of this title, of such person's right to such special pension.

(c) The Secretary concerned shall deliver to the Administrator a certified copy of each certificate issued under subsection (b) in which the right of the person named in the certificate to the special pension provided by section 562 of this title is set forth. Such copy shall authorize the Administrator to pay such special pension to the person named in the certificate. (As amended Pub. L. 94–169, title I, § 106(42), (43), Dec. 23, 1975, 89 Stat. 1019.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–169, § 106(42), substituted "such person's" for "his" wherever appearing therein, and "such person" for "him".

Subsec. (b). Pub. L. 94–169, § 106(42), substituted "such person" for "he" and "such person's" for "his" wherever appearing therein.

Subsec. (c). Pub. L. 94–169, § 106(43), struck out "by him" following "certificate issued".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

§ 562. Special provisions relating to pension.

(a) The Administrator shall pay monthly to each person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll, and a copy of whose certificate has been delivered to the Administrator under subsection (c) of section 561 of this title, a special pension at the rate

of $100, beginning as of the date of application therefore under section 560 of this title.

(b) The receipt of special pension shall not deprive any person of any other pension or other benefit, right, or privilege to which such person is or may hereafter be entitled under any existing or subsequent law. Special pension shall be paid in addition to all other payments under laws of the United States.

(c) Special pension shall not be subject to any attachment, execution, levy, tax lien, or detention under any process whatever.

(d) If any person has been awarded more than one medal of honor, such person shall not receive more than one special pension. (As amended Pub. L. 94–169, title I, § 106 (44), (45), Dec. 23, 1975, 89 Stat. 1019.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–169, § 106(44), substituted "delivered to the Administrator" for "delivered to him".

Subsec. (b). Pub. L. 94–169, § 106(45), substituted "such person" for "he".

Subsec. (d). Pub. L. 94–169, § 106(45), substituted "such person" for "he".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided in part that the amendment of this section by Pub. L. 94–169 is effective Jan. 1, 1976.

Chapter 17.—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

SUBCHAPTER II.—HOSPITAL OR DOMICILIARY, AND MEDICAL CARE

Sec.
613. Medical care for survivors and dependents of certain veterans.
614. Fitting and training in use of prosthetic appliances; seeing-eye dogs.

SUBCHAPTER III.—MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL CARE AND MEDICAL TREATMENT OF VETERANS

621. Power to make rules and regulations.
622. Statement under oath.
623. Furnishing of clothing.
624. Hospital care and medical services abroad.
626. Reimbursement for loss of personal effects by fire.
627. Persons eligible under prior law.
628. Reimbursement of certain medical expenses.

SUBCHAPTER IV.—HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS

631. Assistance to the Republic of the Philippines.
632. Contracts and grants to provide hospital care, medical services and nursing home care.

SUBCHAPTER VI.—SICKLE CELL ANEMIA

651. Screening, counseling, and medical treatment.
652. Research.
653. Voluntary participation; confidentiality.
654. Reports.

AMENDMENTS

1973—Pub. L. 93–82, title I, §§ 103(c), 106(b), 107(b), 109(b), Aug. 2, 1973, 87 Stat. 182, 184, 186, 187, substituted "Medical care for survivors and dependents of certain veterans" and "Fitting and training in use of prosthetic appliances; seeing-eye dogs" for "Fitting and training in use of prosthetic appliances" and "Seeing-eye dogs" in items 613 and 614 respectively, substituted "natural disaster" for "fire" in item 626, added item 628, substituted "Assistance to the Republic of the Philippines" and "Contracts and grants to provide hospital care, medical services and nursing home care" for "Grants to the Republic of the Philippines" and "Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948" in items 631 and 632, respectively, and added "Subchapter VI—Sickle Cell Anemia" comprising items 651–654.

Pub. L. 93–43, § 4(c)(2), June 18, 1973, 87 Stat. 79, deleted item 625.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 106, 1506, 1685, 1903 of this title.

SUBCHAPTER I.—GENERAL

§ 601. Definitions.

For the purposes of this chapter—

* * * * *

(4) The term "Veterans' Administration facilities" means—

* * * * *

(C) private facilities for which the Administrator contracts in order to provide (i) hospital care or medical services for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) hospital care for women veterans; or (iii) hospital care for veterans in a State, territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978.

(5) The term "hospital care" includes—

(A) (i) medical services rendered in the course of the hospitalization of any veteran, and (ii) transportation and incidental expenses for any veteran who is in need of treatment for a service-connected disability or is unable to defray the expense of transportation;

(B) such mental health services, consultation, professional counseling, and training (including (i) necessary expenses for transportation if unable to defray such expenses; or (ii) necessary expenses of transportation and subsistence in the case of a veteran who is receiving care for a service-connected disability, or in the case of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, under the terms and conditions set forth in section 111 of this title) of the members of the immediate family (including legal guardians) of a veteran or such a dependent or survivor of a veteran, or, in the case of a veteran or such dependent or survivor of a veteran who has no immediate family members (or legal guardian), the person in whose household such veteran, or such a dependent or survivor certifies his intention to live, as may be necessary or appropriate to the effective treatment and rehabilitation of a veteran or such a dependent or a survivor of a veteran; and

(C) (i) medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, and (ii) transporta-

tion and incidental expenses for such dependent or survivor of a veteran who is in need of treatment for any injury, disease, or disability and is unable to defray the expense of transportation.

(6) The term "medical services" includes, in addition to medical examination and treatment, such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, optometrists' services, dental and surgical services, and (except under the conditions described in section 612(f)(1)) dental appliances, wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies as the Administrator determines to be reasonable and necessary.

* * * * *

(As amended Pub. L. 93–82, title I, § 101, Aug. 2, 1973, 87 Stat. 179.)

AMENDMENTS

1973—Par. (4)(C). Pub. L. 93–82, § 101(a), extended the Administrator's contract authority for providing hospital care and medical services to persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service and removed the limitation on such authority that such care be rendered in emergency cases only.

Par. (5). Pub. L. 93–82, § 101(b), incorporated existing provisions in subpar. (A), and added subpars. (B) and (C).

Par. (6). Pub. L. 93–82, § 101(c), expanded the definition of "medical services" to include home health services determined by the Secretary to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran receiving care under section 613(b) of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 501 of Pub. L. 93–82 provided that: "The provisions of this Act [see Short Title note under this section] shall become effective the first day of the first calendar month following the date of enactment [Aug. 2, 1973], except that sections 105 and 106 [amending section 626 of this title and enacting section 628 of this title] shall be effective on January 1, 1971; section 107 [enacting sections 631 and 632 of this title and provisions set out as note under section 632 of this title] shall be effective July 1, 1973; and section 203 [amending section 4107 of this title] shall become effective beginning the first pay period following thirty days after the date of enactment of this Act [Aug. 2, 1973]."

SHORT TITLE

Section 1 of Pub. L. 93–82 provided: "That this Act [which enacted sections 613, 614, 628, 631, 632, 651 to 654, 4108 and 5007 of this title, amended this section and sections 230, 234, 610, 612, 620, 626, 641, 644, 4101, 4103, 4107 to 4109, 4112, 4114, 4116, 4117, 5001, 5012, 5033 to 5036, 5053 of this title, enacted provisions set out as a note under section 632 of this title, and repealed provisions set out in prior sections 613, 614, 631, 632, and 4108 of this title] may be cited as the 'Veterans Health Care Expansion Act of 1973'."

SUBCHAPTER II.—HOSPITAL OR DOMICILIARY CARE AND MEDICAL TREATMENT

§ 610. Eligibility for hospital and domiciliary care.

(a) The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care or nursing home care which he determines is needed to—

(1)(A) any veteran for a service-connected disability; or

(B) any veteran for a non-service-connected disability if he is unable to defray the expenses of necessary hospital care;

* * * * *

(c) While any veteran is receiving hospital care or nursing home care in any Veterans' Administration facility, the Administrator may, within the limits of Veterans' Administration facilities, furnish medical services to correct or treat any non-service-connected disability of such veteran, in addition to treatment incident to the disability for which he is hospitalized, if the veteran is willing, and the Administrator finds such services to be reasonably necessary to protect the health of such veteran.

(d) In no case may nursing home care be furnished in a hospital not under the direct and exclusive jurisdiction of the Administrator except as provided in section 620 of this title. (As amended Pub. L. 93–82, title I, § 102, Aug. 2, 1973, 87 Stat. 180.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–82, § 102(1), (2), extended the authority of the Administrator to furnish nursing home care, and in par. (1)(B), substituted "any veteran for a" for "a veteran of any war or of service after January 31, 1955, for".

Subsec. (c). Pub. L. 93–82, § 102(3), expanded the provision regarding medical services to include nursing home care and eliminated the requirement that the Administrator make a determination in each instance that the non-service-connected disability would be in the veteran's interest, would not prolong his hospitalization, and, would not interfere with the furnishing of hospital facilities to other veterans.

Subsec. (d). Pub. L. 93–82, § 102(4), added subsec. (d).

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 612, 622, 641, 903 of this title.

§ 612. Eligibility for medical treatment.

* * * * *

(f) The Administrator may also furnish medical services for any disability on an outpatient or ambulatory basis—

(1) to any veteran eligible for hospital care under section 610 of this title (A) where such services are reasonably necessary in preparation for, or to obviate the need of, hospital admission, or (B) where such a veteran has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care; and

(2) to any veteran who has a service-connected disability rated at 80 per centum or more.

* * * * *

(As amended Pub. L. 93–82, title I, § 103(a), Aug. 2, 1973, 87 Stat. 180.)

AMENDMENTS

1973—Subsec. (f). Pub. L. 93–82 substituted provisions relating to the furnishing of medical services for any disability on an outpatient or ambulatory basis to veterans eligible for hospital care where such services are necessary in preparation for, or to obviate the need of, hospital

admission, or where such veteran has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care and to veterans who have a service-connected disability rated at 80 per centum or more for provisions relating to the furnishing of medical services for a non-service connected disability where such care is reasonably necessary in preparation for admission of a veteran who has been determined to need hospital care and who has been scheduled for admission, where a veteran has been granted hospital care, and outpatient care is reasonably necessary to complete treatment incident to such hospital care, and where a veteran of any war has a total disability permanent in nature resulting from a service-connected disability.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 601, 632, 5001 of this title.

§ 613. Medical care for survivors and dependents of certain veterans.

(a) The Administrator is authorized to provide medical care, in accordance with the provisions of subsection (b) of this section, for—

(1) the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability, and

(2) the widow or child of a veteran who died as a result of a service-connected disability

who are not otherwise eligible for medical care under chapter 55 of title 10 (CHAMPUS).

(b) In order to accomplish the purposes of subsection (a) of this section, the Administrator shall provide for medical care in the same or similar manner and subject to the same or similar limitations as medical care is furnished to certain dependents and survivors of active duty and retired members of the Armed Forces under chapter 55 of title 10 (CHAMPUS), by—

(1) entering into an agreement with the Secretary of Defense under which the Secretary shall include coverage for such medical care under the contract, or contracts, he enters into to carry out such chapter 55, and under which the Administrator shall fully reimburse the Secretary for all costs and expenditures made for the purposes of affording the medical care authorized pursuant to this section; or

(2) contracting in accordance with such regulations as he shall prescribe for such insurance, medical service, or health plans as he deems appropriate.

In cases in which Veterans' Administration medical facilities are particularly equipped to provide the most effective care and treatment, the Administrator is also authorized to carry out such purposes through the use of such facilities not being utilized for the care of eligible veterans. (Added Pub. L. 93–82, title I, § 103(b), Aug. 2, 1973, 87 Stat. 181.)

CODIFICATION

A prior section 613, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1143, which related to fitting and training in use of prosthetic appliances, was repealed by section 103(b) of Pub. L. 93–82, and is now covered by section 614(a) of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 601 of this title.

§ 614. Fitting and training in use of prosthetic appliances; seeing-eye dogs.

(a) Any veteran who is entitled to a prosthetic appliance shall be furnished such fitting and training, including institutional training, in the use of such appliance as may be necessary, whether in a Veterans' Administration facility or other training institution, or by outpatient treatment, including such service under contract, and including necessary travel expenses to and from his home to such hospital or training institution.

(b) The Administrator may provide seeing-eye or guide dogs trained for the aid of the blind to veterans who are entitled to disability compensation, and he may pay all necessary travel expenses to and from their homes and incurred in becoming adjusted to such seeing-eye or guide dogs. The Administrator may also provide such veterans with mechanical or electronic equipment for aiding them in overcoming the handicap of blindness. (Added Pub. L. 93–82, title I, § 103(b), Aug. 2, 1973, 87 Stat. 181.)

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) of this section were contained in Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1143 (formerly classified to section 613 of this title prior to repeal thereof by section 103(b) of Pub. L. 93–82.

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 616. Hospital care by other agencies of the United States.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 620. Transfers for nursing home care.

(a) Subject to subsection (b) of this section, the Administrator may transfer—

(1) Any veteran who has been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, and

(2) any person (A) who has been furnished care in any hospital of any of the Armed Forces, (B) who the appropriate Secretary concerned has determined has received maximum hospital benefits but requires a protracted period of nursing home care, and (C) who upon discharge therefrom will become a veteran

to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, only if the Administrator determines that—

(i) such veteran has received maximum benefits from such care in such hospital, but will require a protracted period of nursing home care which can be furnished in such institution, and

(ii) the cost of such nursing home care in such institution will not exceed 40 per centum of the cost of care furnished by the Veterans' Administration in a general hospital under the direct and exclusive jurisdiction of the Administrator, as such cost may be determined from time to time by the Administrator.

Nursing home care may not be furnished pursuant to this section at the expense of the United States for more than six months in the aggregate in connection with any one transfer, except (I) in the case of the veteran whose hospitalization was primarily for a service-connected disability, or (II) where in the judgment of the Administrator a longer period is warranted in the case of any other veteran. Any veteran who is furnished care by the Administrator in a hospital in Alaska or Hawaii may be furnished nursing home care under the provisions of this section even if such hospital is not under the direct and exclusive jurisdiction of the Administrator.

(b) No veteran may be transferred or admitted to any institution for nursing home care under this section, unless such institution is determined by the Administrator to meet such standards as he may prescribe. The standards prescribed and any report of inspection of institutions furnishing care to veterans under this section made by or for the Administrator shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.

* * * * *

(d) Subject to subsection (b) of this section, the Administrator may authorize for any veteran requiring nursing home care for a service-connected disability direct admission for such care at the expense of the United States to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care. Such admission may be authorized upon determination of need therefor by a physician employed by the Veterans' Administration or, in areas where no such physician is available, carrying out such function under contract or fee arrangement based on an examination by such physician. The amount which may be paid for such care and the length of care available under this subsection shall be the same as authorized under subsection (a) of this section. (As amended Pub. L. 93–82, title I, § 104, Aug. 2, 1973, 87 Stat. 182.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–82, § 104(a), (b), designated cls. (1) and (2) as (i) and (ii), respectively, and in the provisions preceding cl. (i) as so designated, substituted authority of the Administrator to transfer veterans and other persons under pars. (1) and (2), for authority of the Administrator to transfer veterans who have been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care for care at the expense of the United States, and in the provisions following cl. (ii) as so designated, substituted designations (I) and (II) for designations (A) and (B).

Subsec. (b). Pub. L. 93–82, § 104(c), added provisions relating to the admissions of veterans to institutions for nursing home care and for the furnishing of standards and reports to Federal, State and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.

Subsec. (d). Pub. L. 93–82, § 104(d), added subsec. (d).

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 610, 624, 632, 5001 of this title.

SUBCHAPTER III.—MISCELANEOUS PROVISIONS RELATING TO HOSPITAL CARE AND MEDICAL TREATMENT OF VETERANS

§ 624. Hospital care, medical services and nursing home care abroad.

* * * * *

(d) The Administrator may furnish nursing home care, on the same terms and conditions set forth in section 620(a) of this title and at the same rate as specified in section 632(a)(4) of this title, to any veteran who has been furnished hospital care in the Philippines pursuant to this section, but who requires a protracted period of nursing home care. (As amended Pub. L. 93–82, title I, § 108, Aug. 2, 1973, 87 Stat. 186.)

AMENDMENTS

1973—Pub. L. 93–82 inserted "nursing home care" in the section catchline and added subsec. (d).

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 612, 622 of this title.

§ 625. Repealed. Pub. L. 93–43, § 4(b), June 18, 1973, 87 Stat. 79.

Section, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1144; Pub. L. 91–24, § 6(a), June 11, 1969, 83 Stat. 34, related to arrests for crimes in hospital and domiciliary reservations, and is now covered by section 218 of this title.

EFFECTIVE DATE OF REPEAL

Section repealed effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

§ 626. Reimbursement for loss of personal effects by natural disaster.

The Administrator shall, under regulations which he shall prescribe, reimburse veterans in Veterans' Administration hospitals and domiciliaries for any loss of personal effects sustained by fire, earthquake, or other natural disaster while such effects were stored in designated locations in Veterans' Administration hospitals or domiciliaries. (As amended Pub. L. 93–82, title I, § 105, Aug. 2, 1973, 87 Stat. 183.)

AMENDMENTS

1973—Pub. L. 93–82 substituted "natural disaster" for "fire" in the section catchline and extended reimbursement provisions to earthquake and other natural disasters also.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Jan. 1, 1971, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 628. Reimbursement of certain medical expenses.

(a) The Administrator may, under such regulations as he shall prescribe, reimburse veterans entitled to hospital care or medical services under this chapter for the reasonable value of such care or services (including necessary travel), for which such veterans have made payment, from sources other than the Veterans' Administration, where—

(1) such care or services were rendered in a medical emergency of such nature that they would have been hazardous to life or health;

(2) such care or services were rendered to a veteran in need thereof (A) for an adjudicated service-connected disability, (B) for a non-service-connected disability associated with and held to be aggravating a service-connected disability, (C) for any disability of a veteran who has a total disability permanent in nature from a service-connected disability, or (D) for any illness, injury, or dental condition in the case of a veteran who is found to be (i) in need of vocational rehabilitation under chapter 31 of this title and for whom an objective had been selected or (ii) pursuing a course of vocational rehabilitation training and is medically determined to have been in need of care or treatment to make possible his entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition; and

(3) Veterans' Administration or other Federal facilities were not feasibly available, and an attempt to use them beforehand would not have been reasonable, sound, wise, or practical.

(b) In any case where reimbursement would be in order under subsection (a) of this section, the Administrator may, in lieu of reimbursing such veteran, make payment of the reasonable value of care or services directly—

(1) to the hospital or other health facility furnishing the care or services; or

(2) to the person or organization making such expenditure on behalf of such veteran.

(Added Pub. L. 93–82, title I, § 106(a), Aug. 2, 1973, 87 Stat. 183.)

EFFECTIVE DATE

Section effective Jan. 1, 1971, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SUBCHAPTER IV.—HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS

§ 631. Assistance to the Republic of the Philippines.

The President is authorized to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and non-service-connected disabilities under certain conditions. (Added Pub. L. 93–82, title I, § 107(a), Aug. 2, 1973, 87 Stat. 184.)

CODIFICATION

A prior section 631, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1145; Pub. L. 91–24, § 6(b), June 11, 1969, 83 Stat. 34, also dealing with grants to the Republic of the Philippines, was repealed by section 107(a) of Pub. L. 93–82.

EFFECTIVE DATE

Section effective July 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 632. Contracts and grants to provide hospital care, medical services and nursing home care.

(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into a contract with the Veterans Memorial Hospital, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on July 1, 1973, and ending on June 30, 1978, under which the United States—

(1) will pay for hospital care in the Republic of the Philippines, or for medical services which shall be provided either in the Veterans Memorial Hospital, or by contract, or otherwise by the Administrator in accordance with the conditions and limitations applicable generally to beneficiaries under section 612 of this title, for Commonwealth Army veterans and new Philippine Scouts determined by the Administrator to be in need of such hospital care or medical services for service-connected disabilities;

(2) will pay for hospital care at the Veterans Memorial Hospital for Commonwealth Army veterans, and for new Philippine Scouts if they enlisted before July 4, 1946, determined by the Administrator to need such care for non-service-connected disabilities if they are unable to defray the expenses of necessary hospital care;

(3) may provide for the payment of travel expenses pursuant to section 111 of this title for Commonwealth Army veterans and new Philippine Scouts in connection with hospital care or medical services furnished them;

(4) may provide for payments for nursing home care, on the same terms and conditions as set forth in section 620(a) of this title, for any Commonwealth Army veteran or new Philippine Scout determined to need such care at a per diem rate not to exceed 50 per centum of the hospital per diem rate established pursuant to clause (6) of this subsection;

(5) may provide that payments for hospital care and for medical services provided to Commonwealth Army veterans and new Philippine Scouts or to United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Administrator to the Veterans Memorial Hospital at valuations therefor as determined by the Administrator, who may furnish through the revolving supply fund, pursuant to section 5011 of this title, such medicines, medical supplies, and equipment as necessary for this purpose and to use therefore, as applicable, appropriations available for such payments;

(6) will provide for payments for such hospital care at a per diem rate to be jointly determined

for each fiscal year by the two Governments to be fair and reasonable; and

(7) may stop payments under any such contract upon reasonable notice as stipulated by the contract if the Republic of the Philippines and the Veterans Memorial Hospital fail to maintain such hospital in a well-equipped and effective operating condition, as determined by the Administrator.

(b) The total of the payments authorized by subsection (a) of this section shall not exceed $2,000,000 for any one fiscal year ending before July 1, 1978, which shall include an amount not to exceed $250,000 for any one such fiscal year for the purposes of clause (4) of such subsection.

(c) The contract authorized by subsection (a) of this section may provide for the use by the Republic of the Philippines of beds, equipment, and other facilities of the Veterans Memorial Hospital at Manila, not required for hospital care of Commonwealth Army veterans or new Philippine Scouts for service-connected disabilities, for hospital care of other persons in the discretion of the Republic of the Philippines except that (1) priority of admission and retention in such hospital shall be accorded Commonwealth Army veterans and new Philippine Scouts needing hospital care for service-connected disabilities, and (2) such use shall not preclude the use of available facilities in such hospital on a contract basis for hospital care or medical services for persons eligible therefor from the Veterans' Administration.

(d) To further assure the effective care and treatment of patients in the Veterans Memorial Hospital, there is authorized to be appropriated for each fiscal year during the five years beginning July 1, 1973, and ending June 30, 1978—

(1) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of education and training of health service personnel who are assigned to such hospital; and

(2) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such hospital.

Such grants shall be made on such terms and conditions as prescribed by the Administrator, including approval by him of all education and training programs conducted by the hospital under such grants. Any appropriation made for carrying out the purposes of clause (2) of this subsection shall remain available until expended. (Added Pub. L. 93–82, title I, § 107(a), Aug. 2, 1973, 87 Stat. 184.)

CODIFICATION

A prior section 632, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1146; Pub. L. 88–40, §§ 1, 2, June 13, 1963, 77 Stat. 66; Pub. L. 89–612; § 2, Sept. 30, 1966, 80 Stat. 859; Pub. L. 91–24, § 6(c), June 11, 1969, 83 Stat. 34, relating to modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948, was repealed by section 107(a) of Pub. L. 93–82.

EFFECTIVE DATE

Section effective July 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SAVINGS PROVISIONS

Section 107(c) of Pub. L. 92–83 provided that: "Nothing in subsection (a) of this section [which enacted this section and section 631 of this title] shall be deemed to affect in any manner any right, cause, obligation, contract (specifically including that contract executed April 25, 1967, between the Government of the Republic of the Philippines and the Government of the United States resulting from Public Law 89–612 [see 1966 amendment to this section], which shall remain in force and effect until modified or superseded by an agreement executed under authority of this Act) [for distribution of this Act, see Short Title, note under section 601 of this title], authorization of appropriation, grant, function, power, or duty vested by law or otherwise under the provisions of section 632 of title 38, United States Code [this section], in effect on the day before the date of enactment of this section [Aug. 2, 1973]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 624 of this title.

§ 633. Supervision of program by the President.

EX. ORD. NO. 11762. DELEGATION OF AUTHORITY TO ADMINISTRATOR OF VETERANS' AFFAIRS RELATING TO GRANTS-IN-AID TO REPUBLIC OF THE PHILIPPINES FOR MEDICAL CARE AND TREATMENT OF VETERANS

Ex. Ord. No. 11762, Jan. 17, 1974, 39 F.R. 2347, provided:

By virtue of the authority vested in me by section 633 of title 38 [this section] and by section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) Subject to the provisions of subsections (b) and (c) of this section, the Administrator of Veterans' Affairs is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by sections 631, 632, 633, and 634 of title 38 of the United States Code, as amended by section 107(a) of the Veterans Health Care Expansion Act of 1973 (Public Law 93–82; Stat. 184).

(b) The Secretary of State shall negotiate the agreement, and any modifications thereby with the Republic of the Philippines required by the provisions of sections 631, 632, 633, and 634 of title 38 of the United States Code.

(c) All rules and regulations prescribed by the Administrator pursuant to the authority delegated to him by this order shall be subject to prior approval by the Director of the Office of Management and Budget.

SEC. 2. Nothing in this order shall be construed as modifying or terminating any other authority heretofore delegated by the President to the Administrator of Veterans' Affairs.

RICHARD NIXON.

SUBCHAPTER V.—PAYMENTS TO STATE HOMES

§ 641. Criteria for payment.

The Administrator shall pay each State at the per diem rate of—

(1) $4.50 for domiciliary care.

(2) $6.00 for nursing home care, and

(3) $10.00 for hospital care,

for each veteran of any war or of service after January 31, 1955 receiving such care in a State home, if, in the case of such a veteran receiving domiciliary or hospital care, such veteran is eligible for such care in a Veterans' Administration facility, or if, in the case of such a veteran receiving nursing home care, such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirements of clause (B) of such paragraph (1) shall for this purpose refer to the inability

to defray the expenses of necessary nursing home care; however, in no case shall the payments made with respect to any veteran under this section exceed one-half of the cost of the veteran's care in such State home. (As amended Pub. L. 93–82, title IV, § 403(a), Aug. 2, 1973, 87 Stat. 196.)

AMENDMENTS

1973—Pub. L. 93–82 increased from $3.50 to $4.50 the per diem rate for domiciliary care, from $5 to $6 the per diem rate for nursing home care, and from $7.50 to $10 the per diem rate for hospital care, and substituted "veteran of any war or of service after January 31, 1955" for "veteran of any war".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 644. Authorization of appropriations.

* * * * *

(b) The amount which may be granted to a State home for purposes of subsection (a) shall not exceed 65 per centum of the estimated cost of the project, nor may any one State receive in any fiscal year more than 20 per centum of the amount appropriated for that fiscal year.

* * * * *

(As amended Pub. L. 93–82, title IV, § 403(b), Aug. 2, 1973, 87 Stat. 196.)

AMENDMENTS

1973—Subsec. (b). Pub. L. 93–82 substituted "65 per centum" for "50 per centum".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SUBCHAPTER VI.—SICKLE CELL ANEMIA

§ 651. Screening counseling, and medical treatment.

The Administrator is authorized to carry out a comprehensive program of providing sickle cell anemia screening, counseling, treatment, and information under the provisions of this chapter. (Added Pub. L. 93–82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 186.)

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 652. Research.

The Administrator is authorized to carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter. (Added Pub. L. 93–82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 186.)

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 653. Voluntary participation; confidentiality.

(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under this title.

(b) The Administrator shall promulgate rules and regulations to insure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled without reference to patient names or other identifying characteristics. (Added Pub. L. 93–82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 187.)

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 654. Reports.

The Administrator shall include in the annual report to the Congress required by section 214 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Administrator deems necessary. (Added Pub. L. 93–82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 187.)

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

Chapter 19.—INSURANCE

SUBCHAPTER I.—NATIONAL SERVICE LIFE INSURANCE

Sec.
707. Payment or use of dividends.
723. Veterans' Special Life Insurance.

SUBCHAPTER III.—SERVICEMEN'S GROUP LIFE INSURANCE

777. Veterans' Group Life Insurance.
778. Reinstatement.
779. Incontestability.

AMENDMENTS

1974—Pub. L. 93–289, §§ 2(b), 9(b), May 24, 1974, 88 Stat. 165, 172, added items 777, 778 and 779, and substituted "Veterans' Special Life Insurance" for "Veterans' special term insurance" in item 723.

1971—Pub. L. 92–188, § 3, Dec. 15, 1971, 85 Stat. 645, substituted "Payment or use of dividends" for "Dividends to pay premiums" in item 707.

SUBCHAPTER I.—NATIONAL SERVICE LIFE INSURANCE

§ 703. Amount of insurance.

Insurance shall be issued in any multiple of $500 and the amount of insurance with respect to any one person shall be not less than $1,000 or more than $10,000. No person may carry a combined amount of National Service Life Insurance and United States Government life insurance in excess of $10,000 at any one time. The limitations of this section shall not apply to the additional paid up insurance the purchase of which is authorized under section 707 of this title. (As amended Pub. L. 92–188, § 1, Dec. 15, 1971, 85 Stat. 645.)

AMENDMENTS

1971—Pub. L. 92–188 made section limitations inapplicable to the additional paid up insurance purchase of which is authorized under section 707 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–188 effective on a date established by the Administrator but in no event later than

first day of first calendar month beginning more than six calendar months after Dec. 15, 1971, see section 4 of Pub. L. 92–188, set out as a note under section 707 of this title.

§ 704. Plans of insurance.

* * * * *

(e) On and after the effective date of this subsection and under such regulations as the Administrator may promulgate, insurance may be converted to or exchanged for insurance on a modified life plan under the same terms and conditions as are set forth in subsections (b) and (c) of this section except that at the end of the day preceding the seventieth birthday of the insured the face value of the modified life insurance policy or the amount of extended insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium. Any insured whose modified life insurance policy issued under this subsection is in force by payment or waiver of premiums on the day before his seventieth birthday may be granted insurance on the ordinary life plan upon the same terms and conditions as are set forth in subsection (d) of this section except that in applying such provisions the seventieth birthday is to be substituted for the sixty-fifth birthday. Notwithstanding any other provision of law or regulations the Administrator under such terms and conditions as he determines to be reasonable and practicable and upon written application and payment of the required premiums, reserves, or other necessary amounts made within one year from the effective date of this subsection by an insured having in force a modified life plan issued under subsections (b) or (c) of this section, including any replacement insurance issued under subsection (d) of this section or other provision of this title, can exchange such insurance without proof of good health for an amount of insurance issued under this subsection equal to the insurance then in force or which was in force on the day before such insured's sixty-fifth birthday, whichever is the greater. (As amended Pub. L. 92–193, Dec. 15, 1971, 85 Stat. 648.)

REFERENCES IN TEXT

Effective date of this subsection, referred to in subsec. (e), means first day of first calendar month beginning more than six calendar months after Dec. 15, 1971, as provided by section 1 of Pub. L. 92–193, set out in part as a note under this section.

AMENDMENTS

1971—Subsec. (e). Pub. L. 92–193 added subsec. (e).

EFFECTIVE DATE OF 1971 AMENDMENT

Pub. L. 92–193 provided in part that enactment of subsec. (e) of this section by Pub. L. 92–193 shall be effective the first day of the first calendar month which begins more than six calendar months after Dec. 15, 1971.

§ 707. Payment or use of dividends.

(a) Until and unless the Veterans' Administration has received from the insured a request or directive in writing exercising any other dividend option allowable under his policy, any dividend accumulations and unpaid dividends shall be applied in payment of premiums becoming due on insurance subsequent to the date the dividends is payable after January 1, 1952.

* * * * *

(c) The Administrator, upon application in writing made by the insured for insurance under this subsection, and without proof of good health, is authorized to apply any dividend due and payable on national service life insurance after the date of such application to purchase paid up insurance. Also, the Administrator, upon application in writing made by the insured within six calendar months after the effective date of this subsection, and without proof of good health, is authorized to apply any national service life insurance dividend credits and deposits of such insured existing at the date of his application to purchase paid up insurance. Any dividends, dividend credits, or deposits on endowment policies may be used under this subsection only to purchase additional paid up endowment insurance which matures concurrently with the basic policy. Any dividends, dividend credits, or deposits on policies (other than endowment policies) may be used under this section only to purchase additional paid up whole life insurance. The paid up insurance granted under this subsection shall be in addition to any insurance otherwise authorized under this title, or under prior provisions of law. The paid up insurance granted under this subsection shall be issued on the same terms and conditions as are contained in the standard policies of national service life insurance except (1) the premium rates for such insurance and all cash and loan values thereon shall be based on such table of mortality and rate of interest per annum as may be prescribed by the Administrator; (2) the total disability income provision authorized under section 715 of this title may not be added to insurance issued under this section; and (3) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable. (As amended Pub. L. 92–188, § 2, Dec. 15, 1971, 85 Stat. 645.)

REFERENCES IN TEXT

For effective date of this subsection, referred to in subsec. (c), see note set out under this section.

AMENDMENTS

1971—Pub. L. 92–188, § 2(3), substituted "Payment or use of dividends" for "Dividends to pay premiums" as section heading.

Subsec. (a). Pub. L. 92–188, § 2(1), substituted "or directive in writing exercising any other dividend option allowable under his policy" for "in writing for payment in cash".

Subsec. (c). Pub. L. 92–188, § 2(2), added subsec. (c).

EFFECTIVE DATE OF 1971 AMENDMENT

Section 4 of Pub. L. 92–188 provided that: "The amendments made by this Act [amending section heading and subsec. (a) and enacting subsec. (c) of this section and amending sections 703 and 741 of this title] shall take effect on a date established by the Administrator but in no event later than the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act. [Dec. 15, 1971]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 703, 741 of this title.

§ 715. Total disability income provision.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 707 of this title.

§ 723. Veterans' Special Life Insurance.

(a) Insurance heretofore granted under the provisions of section 621 of the National Service Life

Insurance Act of 1940, against the death of the policyholder occurring while such insurance is in force, is subject to the same terms and conditions as are contained in standard policies of National Service Life Insurance on the five-year level premium term plan except (1) such insurance may not be exchanged for or converted to insurance on any other plan; (2) the premium rates for such insurance shall be based on the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2¼ per centum per annum; (3) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949, and interest at the rate of 2¼ per centum per annum; (4) all premiums and other collections on such insurance and any total disability provisions added thereto shall be credited to a revolving fund in the Treasury of the United States, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance and any total disability provisions added thereto, including payments of dividends and refunds of unearned premiums.

(b) Any term insurance heretofore issued under section 621 of the National Service Life Insurance Act of 1940, may be converted to a permanent plan of insurance or exchanged for a policy of limited convertible five-year level premium term insurance issued under this subsection. Insurance issued under this subsection shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance except (1) after September 1, 1960, limited convertible term insurance may not be issued or renewed on the term plan after the insured's fiftieth birthday; (2) the premium rates for such limited convertible term or permanent plan insurance shall be based on table X–18 (1950–54 Intercompany Table of Mortality) and interest at the rate of 2½ per centum per annum; (3) all settlements on policies involving annuities on insurance issued under this subsection shall be calculated on the basis of The Annuity Table for 1949, and interest at the rate of 2½ per centum per annum; (4) all cash, loan, paid-up, and extended values, and, except as otherwise provided in this subsection, all other calculations in connection with insurance issued under this subsection shall be based on table X–18 (1950–54 Intercompany Table of Mortality) and interest at the rate of 2½ per centum per annum; (5) all premiums and other collections on insurance issued under this subsection and any total disability income provisions added thereto shall be credited directly to the revolving fund referred to in subsection (a) of this section, which together with interest earned thereon, shall be available for the payment of liabilities under such insurance and any total disability provisions added thereto, including payments of dividends and refunds of unearned premiums.

* * * * *

(d), (e) Repealed. Pub. L. 93–289, § 2(a)(4), May 24, 1974, 88 Stat. 165.

(As amended Pub. L. 93–289, § 2(a), May 24, 1974, 88 Stat. 165.)

AMENDMENTS

1974—Pub. L. 93–289, § 2(a)(1), substituted "Veterans' Special Life Insurance" for "Veterans' special term insurance" in section catchline.

Subsec. (a). Pub. L. 93–289, § 2(a)(2), substituted in clause (4) "all premiums and other collections on such insurance and any total disability provisions added thereto shall be credited to a revolving fund in the Treasury of the United States, which, together with interest earned thereof, shall be available for the payment of liabilities under such insurance and any total disability provisions added thereto, including payments of dividends and refunds of unearned premiums", for "such insurance and any total disability provision added thereto shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited to a revolving fund in the Treasury of the United States and the payments on such term insurance and any total disability provision added thereto shall be made directly from such fund."

Subsec. (b). Pub. L. 93–289, § 2(a)(3), substituted in clause (5) "all premiums and other collections on insurance issued under this subsection and any total disability income provisions added thereto shall be credited directly to the revolving fund referred to in subsection (a) of this section, which together with interest earned thereon, shall be available for the payment of liabilities under such insurance and any total disability provisions added thereto, including payments of dividends and refunds of unearned premiums", for "insurance and any total disability provision added thereto issued under this subsection shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to the revolving fund referred to in subsection (a) and payments on such insurance and any total disability provision added thereto shall be made directly from such fund."

Subsecs. (d), (e). Pub. L. 93–289, § 2(a)(4), repealed subsecs. (d) and (e), which related to the payment of dividends from the excess funds in the revolving fund, and to the transfer of funds from the revolving fund to general fund receipts in the Treasury.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 12(1) of Pub. L. 93–289 provided that: "The amendments made by section 2 [to this section], relating to Veterans' Special Life Insurance, shall become effective upon the date of enactment of this Act [May 24, 1974] except that no dividend on such insurance shall be paid prior to January 1, 1974."

SHORT TITLE

Section 1 of Pub. L. 93–289 provided: "That this Act [which enacted sections 777, 778 and 779 of this title and section 707 of Title 37, amended this section and sections 765, 767, 768, 769, 770, 771 and 774 of this title, and enacted provisions set out as notes under this section, sections 765, 767 and 768 of this title and section 707 of Title 37], may be cited as the 'Veterans' Insurance Act of 1974'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 704 of this title.

§ 724. In-service waiver of premiums.

* * * * *

(c) In any case in which insurance continued in force under this section matures on or after January 1, 1972, an amount equal to the amount of premiums, less dividends, waived on and after that date shall be placed as an indebtedness against the insurance and, unless otherwise paid, shall be deducted from the proceeds. In such case, the liability of the Government under subsection (b) of this section shall be reduced by the amount so deducted from the proceeds. (As amended Pub. L. 92–197, § 7, Dec. 15, 1971, 85 Stat. 662.)

AMENDMENTS

1971—Subsec. (c). Pub. L. 92–197 added subsec. (c).

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 411 of this title.

SUBCHAPTER II.—UNITED STATES GOVERNMENT LIFE INSURANCE

§ 741. Amount of insurance.

United States Government life insurance shall be issued against death or total permanent disability in any multiple of $500 and not less than $1,000 or more than $10,000. No person may carry a combined amount of National Service Life Insurance and United States Government life insurance in excess of $10,000 at any one time. The limitations of this section shall not apply to the additional paid up insurance the purchase of which is authorized under section 707 of this title. (As amended Pub. L. 92–188, § 1, Dec. 15, 1971, 85 Stat. 645.)

AMENDMENTS

1971—Pub. L. 92–188 made section limitations inapplicable to the additional paid up insurance purchase of which is authorized under section 707 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–188 effective on a date established by the Administrator but in no event later than first day of first calendar month beginning more than six calendar months after Dec. 15, 1971, see section 4 of Pub. L. 92–188, set out as a note under section 707 of this title.

SUBCHAPTER III.—SERVICEMEN'S GROUP LIFE INSURANCE

§ 765. Definitions.

For the purpose of this subchapter—

(1) The term "active duty" means—

* * * * *

(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service;

(C) full-time duty as a commissioner officer of the National Oceanic and Atmospheric Administration; and

* * * * *

(D) full-time duty as a cadet or midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy.

* * * * *

(5) The term "member" means—

(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank, or grade, or as a cadet or midshipman of the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy;

(B) a person who volunteers for assignment to the Ready Reserve of a uniformed service and is assigned to a unit or position in which he may be required to perform active duty, or active duty for training, and each year will be scheduled to perform at least twelve periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10;

(C) a person assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who has not received the first increment of retirement pay or has not yet reached sixty-one years of age and has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 67 of title 10; and

(D) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises.

(6) The term "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, and the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(7) The terms "widow" or "widower" means a person who is the lawful spouse of the insured member at the time of his death.

(8) The term "child" means a legitimate child, a legally adopted child, an illegitimate child as to the mother, or an illegitimate child as to the alleged father, only if (a) he acknowledged the child in writing signed by him; or (b) he has been judicially ordered to contribute to the child's support, or (c) he has been, before his death, judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as the father of the child.

(9) The term "parent" means a father of a legitimate child, mother of a legitimate child, father through adoption, mother through adoption, mother of an illegitimate child, and father of an illegitimate child but only if (a) he acknowledged paternity of the child in writing signed by him before the child's death; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the claimant was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the claimant was named as father of the child. No person who abandoned or willfully failed to support a child during his minority, or consented to his adoption may be recognized as a parent for the purpose of this subchapter. However, the immediately preceding sentence shall not be applied so as to require duplicate payments in any case in which insurance benefits have been paid prior to receipt in the administrative office established

under subsection 766(b) of this title of sufficient evidence to clearly establish that the person so paid could not qualify as a parent solely by reason of such sentence.

(As amended Pub. L. 92–185, § 1, Dec. 15, 1971, 85 Stat. 642; Pub. L. 92–315, June 20, 1972, 86 Stat. 227; Pub. L. 93–289, §§ 3, 10(1), May 24, 1974, 88 Stat. 165, 172.)

AMENDMENTS

1974—Cl. (1)(C). Pub. L. 93–289, § 10(1), substituted "National Oceanic and Atmospheric Administration" for "Environmental Science Services Administration."

Cl. (5). Pub. L. 93–289, § 3, added pars. (B) and (C), redesignated former par. (B) as (D), and substituted "midshipman of" for "midshipman at" in par. (A).

Cl. (6) Pub. L. 93–289, § 10(1), substituted "National Oceanic and Atmospheric Administration" for "Environmental Science Services Administration."

1972—Cl. (1)(D). Pub. L. 92–315, § 1(3), added par. (D).

Cl. (5)(A). Pub. L. 92–315, § 1(4), expanded the definition of "member" to include persons in active duty as a cadet or midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy and the United States Coast Guard Academy.

1971—Pars. (7)–(9). Pub. L. 92–185 added pars. (7)–(9) defining, respectively, "widow" or "widower", "child", and "parent".

EFFECTIVE DATE OF 1974 AMENDMENT

Section 12(2) of Pub. L. 93–289 provided that: "The amendments relating to Servicemen's Group Life Insurance coverage on a full-time basis for certain members of the Reserves and National Guard shall become effective upon the date of enactment of this Act [May 24, 1974]."

EFFECTIVE DATE OF 1971 AMENDMENT

Section 2 of Pub. L. 92–185 provided that: "The provisions of this Act [amending this section] shall apply only to Servicemen's Group Life Insurance in effect on the life of an insured member who dies on or after the date of enactment of this Act [Dec. 15, 1971]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 767, 768, 769 of this title.

§ 766. Eligible insurance companies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 765, 767, 768, 769, 770, 777 of this title.

§ 767. Persons insured; amount.

(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure against death—

(1) any member of a uniformed service on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority;

(2) any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(B) of this title; and

(3) any member assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(C) of this title;

in the amount of $20,000 unless such member elects in writing (A) not to be insured under this subchapter, or (B) to be insured in the amount of $15,000, $10,000, or $5,000. The insurance shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or the first day a member of the Ready Reserve meets the qualifications set forth in section 765(5)(B) of this title, or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 765(5)(C) of this title, or the date certified by the Administrator to the Secretary concerned as the date Servicemen's Group Life Insurance under this subchapter for the class or group concerned takes effect, whichever is the later date.

(b) Any member (other than one who has elected not to be insured under this subchapter for the period or periods of duty involved)—

* * * * *

(2) who is rendered uninsurable at standard premium rates according to the good health standards approved by the Administrator, or dies within one hundred and twenty days thereafter, from a disability, or aggravation of a preexisting disability, incurred by him while proceeding directly to or returning directly from such active duty, active duty for training, or inactive duty training as the case may be; shall be deemed to have been on active duty, active duty for training, or inactive duty training, as the case may be, and to have been insured under this subchapter at the time such disability was incurred or aggravated, and if death occurs within one hundred and twenty days thereafter as a result of such disability to have been insured at the time of death. In determining whether or not such individual was so authorized or required to perform such duty, and whether or not he was rendered uninsurable or died within one hundred and twenty days thereafter from a disability so incurred or aggravated, there shall be taken into account the call or order to duty, the orders and authorizations of competent authority, the hour on which the member began to so proceed or to return, the hour on which he was scheduled to arrive for, or on which he ceased to perform such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subsection, the burden of proof shall be on the claimant.

(c) If any member elects not to be insured under this subchapter or to be insured in the amount of $15,000, $10,000, or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $20,000, $15,000, or $10,000 under this subchapter, as the case may be, upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administrator. Any former member insured under Veterans' Group Life Insurance who again becomes eligible for Servicemen's Group Life Insurance and declines such coverage solely for the purpose of maintaining his Veterans' Group Life Insurance in effect shall upon termination of coverage under Veterans' Group Life Insurance be automatically insured under Servicemen's Group Life Insurance, if otherwise eligible therefor. (As amended Pub. L. 93–289, § 4, May 24, 1974, 88 Stat. 166.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–289, § 4(1), authorized insurance for any member of the Ready Reserve who meets the qualifications set forth in section 765(5)(B) of this title, and any member assigned to, or who upon application would be eligible for assignment to, the Retired Reserve who meets the qualifications set forth in section 765(5)(C) of this title, increased the amount of insurance from $15,000 to $20,000, permitted a member to elect to be insured for $15,000, and prescribed the effective dates of insurance for members of the Ready Reserve and members of the Reserves, whether or not assigned to the Retired Reserves.

Subsec. (b). Pub. L. 93–289, § 4(2), substituted "one hundred and twenty days" for "ninety days" in three instances.

Subsec. (c). Pub. L. 93–289, § 4(3), inserted provisions authorizing members who elected to be insured in the amounts of $15,000, $10,000, or $5,000 to increase the amount of insurance to $20,000, and inserted sentence providing for automatic insurance for former members insured under Veterans' Group Life Insurance who decline coverage under the Servicemen's Group Life Insurance.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 12(3) of Pub. L. 93–289 provided that: "The amendments increasing the maximum amount of Servicemen's Group Life Insurance shall become effective upon the date of enactment of this Act [May 24, 1974]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 768 of this title.

§ 768. Duration and termination of coverage; conversion.

(a) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, to the effect that any insurance thereunder on any member of the uniformed services, unless discontinued or reduced upon the written request of the insured, shall continue in effect while the member is on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority during the period thereof, or while the member meets the qualifications set forth in section 765(5)(B) or (C) of this title, and such insurance shall cease—

* * * * *

(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days insurance under this subchapter shall cease at midnight, local time, on the last day of such duty, unless on such date the insured is suffering from a disability incurred or aggravated during such period which, within one hundred and twenty days after such date, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator, in which event the insurance shall continue in force to death, or for one hundred and twenty days after such date, whichever is the earlier date.

(3) with respect to a member on inactive duty training scheduled in advance by competent authority insurance under this subchapter shall cease at the end of such scheduled training period, unless at such time the insured is suffering from a disability incurred, or aggravated during such period which, within one hundred and twenty days after the date of such training, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator in which event the insurance shall continue in force to death, or for one hundred and twenty days after the date such training terminated, whichever is the earlier date.

(4) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(B) of this title, one hundred and twenty days after separation or release from such assignment—

(A) unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance shall cease one year after the date of separation or release from such assignment, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after separation or release from such assignment; or

(B) unless on the date of such separation or release the member has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 67 of title 10 and would upon application be eligible for assignment to or is assigned to the Retired Reserve, in which event the insurance, unless converted to an individual policy under terms and conditions set forth in section 777(e) of this title, shall, upon timely payment of premiums under terms prescribed by the Administrator directly to the administrative office established under section 766(b) of this title, continue in force until receipt of the first increment of retirement pay by the member or the member's sixty-first birthday, whichever occurs earlier.

(5) with respect to a member of the Retired Reserve who meets the qualifications of section 765(5)(C) of this title, and who was assigned to the Retired Reserve prior to the date insurance under this amendment is placed in effect for members of the Retired Reserve, at such time as the member receives the first increment of retirement pay, or the member's sixty-first birthday, whichever occurs earlier, subject to the timely payment of the initial and subsequent premiums, under terms prescribed by the Administrator, directly to the administrative office established under section 766(b) of this title.

(b) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, that, except as hereinafter provided, Servicemen's Group Life Insurance which is continued in force after expiration of the period of duty or travel under section 767(b) or 768(a) of this title, effective the day after the date such insurance would cease, shall be automatically converted to Veterans' Group Life Insurance subject to (1) the timely payment of the initial premium under terms prescribed by the Administrator, and (2) the terms and conditions set forth in section 777 of this title. Such automatic conversion shall be effective only in the case of an otherwise eligible member or former member who is separated or released from a period of active duty or active duty for training or inactive duty training on or after the date on which the Veterans' Group Life Insurance program (provided for

under section 777 of this title) becomes effective. Servicemen's Group Life Insurance continued in force under section 768(a) (4)(B) or (5) of this title shall not be converted to Veterans' Group Life Insurance. However, a member whose insurance could be continued in force under section 768 (a)(4)(B) of this title, but is not so continued, may, effective the day after his insurance otherwise would cease, convert such insurance to an individual policy under the terms and conditions set forth in section 777(e) of this title. (As amended Pub. L. 93–289, § 5(a), May 24, 1974, 88 Stat. 166.)

REFERENCES IN TEXT

The words "this amendment" appearing in subsec. (a)(5), probably refer to the amendment made by Pub. L. 93–289 to this chapter.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–289, § 5(a)(1)–(3), inserted in the opening provisions "or while the member meets the qualifications set forth in section 765(5)(B) or (C) of this title,", substituted "one hundred and twenty days" for "ninety days" wherever appearing in clauses (2) and (3), and added clauses (4) and (5).

Subsec. (b). Pub. L. 93–289, § 5(a)(4), substituted provisions requiring policies of Servicemen's Group Life Insurance to contain a provision automatically converting such policy to Veterans' Group Life Insurance, for provisions which required such policies to contain a provision for conversion to an individual policy of insurance, and inserted sentences providing for the effective date of automatic conversion, prohibiting conversion of Servicemen's Group Life Insurance continued in force under section 768(a)(4)(B) or (5) of this title, and authorizing conversion by a member whose insurance could be continued in force under section 768(a)(4)(B) of this title, but is not so continued.

Subsec. (c). Pub. L. 93–289, § 5(a)(5), repealed subsec. (c) which related to conversion by eligible insured persons to policies written by companies participating in the program established by this subchapter.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 12(4) of Pub. L. 93–289 provided that: "The amendments made by sections 5(a)(4) and (5) of this Act [amending subsec. (b) of this section and repealing subsec. (c) of this section], and those enacting a Veterans' Group Life Insurance program [sections 777, 778 and 779 of this title] shall become effective on the first day of the third calendar month following the month in which this Act is enacted [May 1974]."

RIGHT OF PERSONS DISCHARGED OR RELEASED FROM UNIFORMED SERVICES TO CONVERT SERVICEMENS' GROUP LIFE INSURANCE TO INDIVIDUAL POLICIES

Section 5(b) of Pub. L. 93–289 provided that: "The amendments made by this Act [enacting sections 777, 778 and 779 of this title and section 707 of title 37, and amending this section and sections 723, 765, 767, 769, 770, 771 and 774 of this title] shall not be construed to deprive any person discharged or released from the uniformed services of the United States prior to the date on which the Veterans' Group Life Insurance program (provided for under section 777 of title 38, United States Code) becomes effective of the right to convert Servicemen's Group Life Insurance to an individual policy under the provisions of law in effect prior to such effective date."

§ 769. Deductions; payment; investment; expenses.

(a)(1) During any period in which a member, on active duty or active duty for training under a call or order to such duty that does not specify a period of less than thirty-one days, is insured under Servicemen's Group Life Insurance, there shall be deducted each month from his basic or other pay until separation or release from such duty an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications of section 765(5)(B) of this title, or is assigned to the Reserve (other than the Retired Reserve) and meets the qualifications of section 765(5)(C) of this title, and is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.

(3) During any fiscal year, or portion thereof, that a member is on active duty or active duty for training under a call or order to such duty that specifies a period of less than thirty-one days, or is authorized or required to perform inactive duty training scheduled in advance by competent authority, and is insured under Servicemen's Group Life Insurance, the Secretary concerned shall collect from him (by deduction from pay or otherwise) an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

(4) Any amount not deducted from the basic or other pay of a member insured under Servicemen's Group Life Insurance, or collected from him by the Secretary concerned, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount under paragraph (1) or (2) hereof, or fiscal year amount under paragraph (3) hereof, determined by the Administrator to be charged under this section for Servicemen's Group Life Insurance may be continued from year to year, except that the Administrator may redetermine such monthly or fiscal year amounts from time to time in accordance with experience. No refunds will be made to any member of any amount properly deducted from his basic or other pay, or collected from him by the Secretary concerned, to cover the insurance granted under Servicemen's Group Life Insurance.

(b) For each month for which any member is so insured, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator and certified to the Secretary concerned to be the cost of Servicemen's Group Life Insurance which is traceable to the extra hazard of duty in the uniformed services. Effective January 1, 1970, such cost shall be determined by the Administrator on the basis of the excess mortality incurred by members and former members of the uniformed services

insured under Servicemen's Group Life Insurance above what their mortality would have been under peacetime conditions as such mortality is determined by the Administrator using such methods and data as he shall determine to be reasonable and practicable. The Administrator is authorized to make such adjustments regarding contributions from pay appropriations as may be indicated from actual experience.

(c) An amount equal to the first amount due on Servicemen's Group Life Insurance may be advanced from current appropriations for active-service pay to any such member, which amount shall constitute a lien upon any service or other pay accruing to the person from whom such advance was made and shall be collected therefrom if not otherwise paid. No disbursing or certifying officer shall be responsible for any loss incurred by reason of such advance.

(d) (1) The sums withheld from the basic or other pay of members, or collected from them by the Secretary concerned, under subsection (a) of this section, and the sums contributed from appropriations under subsection (b) of this section, together with the income derived from any dividends or premium rate adjustments received from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments and extra hazard costs on Servicemen's Group Life Insurance and the administrative cost to the Veterans' Administration of insurance issued under this subchapter shall be paid from the revolving fund.

* * * * *

(3) Notwithstanding the provisions of section 782 of this title, the Administrator shall, from time to time, determine the administrative costs to the Veterans' Administration which in his judgment are properly allocable to insurance issued under this subchapter and shall transfer such cost from the revolving fund to the appropriation "General Operating Expenses, Veterans' Administration".

(e) The premiums for Servicemen's Group Life Insurance placed in effect or continued in force for a member assigned to the Retired Reserve of a uniformed service who meets the qualifications of section 765(5)(C) of this title, shall be established under the criteria set forth in section 771 (a) and (c) of this title, except that the Administrator may provide for average premiums for such various age groupings as he may determine to be necessary according to sound actuarial principles, and shall include an amount necessary to cover the administrative cost of such insurance to the company or companies issuing or continuing such insurance. Such premiums shall be payable by the insureds thereunder as provided by the Administrator directly to the administrative office established for such insurance under section 766(b) of this title. The provisions of sections 771 (d) and (e) of this title shall be applicable to Servicemen's Group Life Insurance continued in force or issued to a member assigned to the Retired Reserve of a uniformed service. However, a separate accounting may be required by the Administrator for insurance issued to or continued in force on the lives of members assigned to the Retired Reserve and for other insurance in force under this subchapter. In such accounting, the Administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles. (As amended Pub. L. 93–289, §§ 6, 10(2), May 24, 1974, 88 Stat. 168, 172.)

AMENDMENTS

1974—Subsec. (a)(1). Pub. L. 93–289, § 6(1), substituted "is insured under Servicemen's Group Life Insurance" for "is insured under a policy of insurance purchased by the Administrator, under section 766 of this title."

Subsec. (a)(2). Pub. L. 93–289, § 6(2), added subsec. (a)(2). Former subsec. (a)(2) redesignated (a)(3).

Subsec. (a)(3). Pub. L. 93–289, § 6(1), (2), redesignated former subsec. (a)(2) as (a)(3), and substituted therein "is insured under Servicemen's Group Life Insurance" for "is insured under a policy of insurance purchased by the Administrator, under section 766 of this title." Former subsec. (a)(3) redesignated (a)(4).

Subsec. (a)(4). Pub. L. 93–289, § 6(2) (3), redesignated former subsec. (a)(3) as (a)(4), and substituted therein "paragraph (1) or (2) hereof, or fiscal year amount under paragraph (3) hereof", for "subsection (1) hereof, or fiscal year amount under subsection (2) hereof", and "Servicemen's Group Life Insurance" for "this subchapter" in two instances, and for "insurance under this subchapter."

Subsec. (b). Pub. L. 93–289, § 6(4), substituted "Servicemen's Group Life Insurance" for "such insurance" in first sentence, and "Servicemen's Group Life Insurance" for "this subchapter" in second sentence.

Subsec. (c). Pub. L. 93–289, § 6(5), substituted "Servicemen's Group Life Insurance" for "any such insurance."

Subsec. (d)(1). Pub. L. 93–289, § 6(6), substituted "Servicemen's Group Life Insurance" for "any insurance policy or policies purchased under section 766 of this title."

Subsec. (d)(3). Pub. L. 93–289, § 10(2), capitalized the words "Operating Expenses."

Subsec. (e). Pub. L. 93–289, § 6(7), added subsec. (e).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 770, 771 of this title.

§ 770. Beneficiaries; payment of insurance.

(a) Any amount of insurance under this subchapter in force on any member or former member on the date of his death shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

First, to the beneficiary or beneficiaries as the member or former member may have designated by a writing received prior to death (1) in the uniformed services if insured under Servicemen's Group Life Insurance, or (2) in the administrative office established under section 766(b) of this title if separated or released from service, or if assigned to the Retired Reserve, and insured under Servicemen's Group Life Insurance, or if insured under Veterans' Group Life Insurance;

* * * * *

(e) Until and unless otherwise changed, a beneficiary designation and settlement option filed by a member with his uniformed service under prior provisions of law will be effective with respect to the increased insurance authorized under the Veterans' Insurance Act of 1974 and the insurance shall be settled in the same proportionate amount as the

portion designated for such beneficiary or beneficiaries bore to the amount of insurance heretofore in effect.

(f) Notwithstanding the provisions of any other law, payment of matured Servicemens Group Life Insurance or Veterans' Group Life Insurance benefits may be made directly to a minor widow or widower on his or her own behalf, and payment in such case shall be a complete acquittance to the insurer.

(g) Payments of benefits due or to become due under Servicemen's Group Life Insurance or Veterans' Group Life Insurance made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to (1) collection of amount not deducted from the member's pay, or collected from him by the Secretary concerned under section 769(a) of this title, (2) levy under subchapter D of chapter 64 of the Internal Revenue Code of 1954 (relating to the seizure of property for collection of taxes), and (3) the taxation of any property purchased in part of wholly out of such payments. (As amended Pub. L. 93–289, § 7, May 24, 1974, 88 Stat. 169.)

REFERENCES IN TEXT

Veterans' Insurance Act of 1974, referred to in subsec. (e), means Pub. L. 93–289, May 24, 1974, 88 Stat. 165. For classification of Pub. L. 93–289 to this Code, see Short Title note under section 723 of this title.

Subchapter D of chapter 64 of the Internal Revenue Code of 1954, referred to in subsec. (g), is section 6331 et seq. of Title 26, Internal Revenue Code.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–289, § 7(1), included in clause First writings received in the administrative office established under section 766(b) of this title if separated or released from service, or if assigned to the Retired Reserve, and insured under Servicemen's Group Life Insurance, or if insured under Veterans' Group Life Insurance.

Subsec. (e). Pub. L. 93–289, § 7(2), substituted "the Veterans' Insurance Act of 1974" for "this amendatory Act."

Subsec. (f). Pub. L. 93–289, § 7(3), included payment of benefits under Veterans' Group Life Insurance.

Subsec. (g). Pub. L. 93–289, § 7(3), included payment of benefits under Veterans' Group Life Insurance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 777 of this title.

§ 771. Basic tables of premiums; readjustment of rates.

* * * * *

(b) The total premiums for Servicemen's Group Life Insurance shall be the sum of the amounts computed according to the provisions of subsection (a) above and the estimated costs traceable to the extra hazard of active duty in the uniformed services as determined by the Administrator, subject to the provision that such estimated costs traceable to the extra hazard shall be retroactively readjusted annually in accordance with section 769(b).

* * * * *

(e) Each such policy shall provide for an accounting to the Administrator not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Administrator, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of the total of item (1) over the sum of items (2) and (3) shall be held by the insurance company or companies issuing the policy as a special contingency reserve to be used by such insurance company or companies for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company or companies issuing the policy, which rate shall be approved by the Administrator as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Administrator determines that such special contingency reserve has attained an amount estimated by the Administrator to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving fund established under section 769(d)(1) of this title. If and when such policy is discontinued, and if after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company or companies issuing the policy to make such deposit in equal monthly installments over a period of not more than two years. (As amended Pub. L. 93–289, § 8, May 24, 1974, 88 Stat. 169.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–289, § 8(1), substituted "premiums for Servicemen's Group Life Insurance", for "premiums for the policy or policies."

Subsec. (e). Pub. L. 93–289, § 8(2), substituted "section 769(d)(1) of this title" for "section 766 of this title."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 769, 777 of this title.

§ 773. Forfeiture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 779 of this title.

§ 774. Advisory Council on Servicemen's Group Life Insurance.

There is hereby established an Advisory Council on Servicemen's Group Life Insurance consisting of the Secretary of the Treasury as Chairman, the Secretary of Defense, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, and the Director of the Office of Management and Budget each of whom shall serve without additional compensation. The Council shall meet once a year, or oftener at the call of the Administrator, and shall review the operations under this subchapter and advise the Administrator on matters of policy relating to his activities thereunder. (As amended Pub. L. 93–289, § 10(3), May 24, 1974, 88 Stat. 172.)

AMENDMENTS

1974—Pub. L. 93–289 substituted "Office of Management and Budget" for "Bureau of the Budget."

§ 777. Veterans' Group Life Insurance.

(a) Veterans' Group Life Insurance shall be issued in the amount of $5,000, $10,000, $15,000, or $20,000 only. No person may carry a combined amount of Servicemen's Group Life Insurance and Veterans' Group Life Insurance in excess of $20,000 at any one time. Any person insured under Veterans' Group Life Insurance who again becomes insured under Servicemen's Group Life Insurance may within sixty days after becoming so insured convert any or all of his Veterans' Group Life Insurance to an individual policy of insurance under subsection (e) of this section. However, if such a person dies within the sixty-day period and before converting his Veterans' Group Life Insurance, Veterans' Group Life Insurance will be payable only if he is insured for less than $20,000 under Servicemen's Group Life Insurance, and then only in an amount which when added to the amount of Servicemen's Group Life Insurance payable shall not exceed $20,000.

(b) Veterans' Group Life Insurance shall (1) provide protection against death; (2) be issued on a nonrenewable five-year term basis; (3) have no cash, loan, paid-up, or extended values; (4) except as otherwise provided, lapse for nonpayment of premiums; and (5) contain such other terms and conditions as the Administrator determines to be reasonable and practicable which are not specifically provided for in this section, including any provisions of this subchapter not specifically made inapplicable by the provisions of this section.

(c) The premiums for Veterans' Group Life Insurance shall be established under the criteria set forth in sections 771 (a) and (c) of this title, except that the Administrator may provide for average premiums for such various age groupings as he may decide to be necessary according to sound actuarial principles, and shall include an amount necessary to cover the administrative cost of such insurance to the company or companies issuing such insurance. Such premiums shall be payable by the insureds thereunder as provided by the Administrator directly to the administrative office established for such insurance under section 766(b) of this title. In any case in which a member or former member who was mentally incompetent on the date he first became insured under Veterans' Group Life Insurance dies within one year of such date, such insurance shall be deemed not to have lapsed for nonpayment of premiums and to have been in force on the date of death. Where insurance is in force under the preceding sentence, any unpaid premiums may be deducted from the proceeds of the insurance. Any person who claims eligibility for Veterans' Group Life Insurance based on disability incurred during a period of duty shall be required to submit evidence of qualifying health conditions and, if required, to submit to physical examinations at their own expense.

(d) Any amount of Veterans' Group Life Insurance in force on any person on the date of his death shall be paid, upon the establishment of a valid claim therefor, pursuant to the provisions of section 770 of this title. However, any designation of beneficiary or beneficiaries for Servicemen's Group Life Insurance filed with a uniformed service until changed, shall be considered a designation of beneficiary or beneficiaries for Veterans' Group Life Insurance, but not for more than sixty days after the effective date of the insured's Veterans' Group Insurance, unless at the end of such sixty-day period, the insured is incompetent in which event such designation may continue in force until the disability is removed but not for more than five years after the effective date of the insured's Veterans' Group Life Insurance. Except as indicated above in incompetent cases, after such sixty-day period, any designation of beneficiary or beneficiaries for Veterans' Group Life Insurance to be effective must be by a writing signed by the insured and received by the administrative office established under section 766(b) of this title.

(e) An insured under Veterans' Group Life Insurance shall have the right to convert such insurance to an individual policy of life insurance upon written application for conversion made to the participating company he selects and payment of the required premiums. The individual policy will be issued without medical examination on a plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount as premiums in the event the insured performs active duty, active duty for training, or inactive duty training. The individual policy will be effective the day after the insured's Veterans' Group Life Insurance terminates by expiration of the five-year term period, except in a case where the insured is eligible to convert at an earlier date by reason of again having become insured under Servicemen's Group Life Insurance, in which event the effective date of the individual policy may not be later than the sixty-first day after he again became so insured. Upon request to the administrative office established under section 766(b) of this title, an insured under Veterans' Group Life Insurance shall be furnished a list of life insurance companies participating in the program established under this subchapter. In addition to the life insurance companies participating in the program established under this subchapter, the list furnished to an insured under this section shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Administrator and agree to sell insurance to former members in accordance with the provisions of this section.

(f) The provisions of sections 771 (d) and (e) of this title shall be applicable to Veterans' Group Life Insurance. However, a separate accounting shall be required for each program of insurance authorized under this subchapter. In such accounting, the Administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles.

(g) Any person whose Servicemen's Group Life Insurance was continued in force after termination of duty or discharge from service under the law as in effect prior to the date on which the Veterans' Group Life Insurance program (provided for under section 777 of this title) became effective, and whose coverage under Servicemen's Group Life Insurance terminated less than four years prior to such date, shall be eligible within one year from the effective

date of the Veterans' Group Life Insurance program to apply for and be granted Veterans' Group Life Insurance in an amount equal to the amount of his Servicemen's Group Life Insurance which was not converted to an individual policy under prior law. Veterans' Group Life Insurance issued under this subsection shall be issued for a term period equal to five years, less the time elapsing between the termination of the applicant's Servicemen's Group Life Insurance and the effective date on which the Veterans' Group Life Insurance program became effective. Veterans' Group Life Insurance under this subsection shall only be issued upon application to the administrative office established under section 766(b) of this title, payment of the required premium, and proof of good health satisfactory to that office, which proof shall be submitted at the applicant's own expense. Any person who cannot meet the good health requirements for insurance under this subsection solely because of a service-connected disability shall have such disability waived. For each month for which any eligible veteran, whose service-connected disabilities are waived, is insured under this subsection there shall be contributed to the insurer or insurers issuing the policy or policies from the appropriation "Compensation and Pensions, Veterans' Administration" an amount necessary to cover the cost of the insurance in excess of the premiums established for eligible veterans, including the cost of the excess mortality attributable to such veteran's service-connected disabilities. The Administrator may establish, as he may determine to be necessary according to sound actuarial principles, a separate premium, age groupings for premium purposes, accounting, and reserves, for persons granted insurance under this subsection different from those established for other persons granted insurance under this section. Appropriations to carry out the purpose of this section are hereby authorized. (Added Pub. L. 93–289, § 9(a), May 24, 1974, 88 Stat. 169.)

EFFECTIVE DATE

Section effective on the first day of the third calendar month following May 1974, see section 12(4) of Pub. L. 93–289, set out as a note under section 768 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 768 of this title.

§ 778. Reinstatement.

Reinstatement of insurance coverage granted under this subchapter but lapsed for nonpayment of premiums shall be under terms and conditions prescribed by the Administrator. (Added Pub. L. 93–289, § 9(a), May 24, 1974, 88 Stat. 172.)

EFFECTIVE DATE

Section effective on the first day of the third calendar month following May 1974, see section 12(4) of Pub. L. 93–289, set out as a note under section 768 of this title.

§ 779. Incontestability.

Subject to the provision of section 773 of this title, insurance coverage granted under this subchapter shall be incontestable from the date of issue, reinstatement, or conversion except for fraud or nonpayment of premium. (Added Pub. L. 93–289, § 9(a), May 24, 1974, 88 Stat. 172.)

EFFECTIVE DATE

Section effective on the first day of the third calendar month following May 1974, see section 12(4) of Pub. L. 93–289, set out as a note under section 768 of this title.

Chapter 21.—SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Sec.
806. Mortgage Protection Life Insurance.

AMENDMENTS

1971—Pub. L. 92–95, § 2, Aug. 11, 1971, 85 Stat. 322, added item 806.

§ 802. Limitations on assistance furnished.

The assistance authorized by section 801 of this title shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and shall be afforded under one of the following plans, at the option of the veteran but shall not exceed $25,000 in any one case—

* * * * *

(As amended Pub. L. 92–341, July 10, 1972, 86 Stat. 432; Pub. L. 93–568, § 9, Dec. 31, 1974, 88 Stat. 1867.)

AMENDMENTS

1974—Pub. L. 93–569 substituted "$25,000" for "$17,500".
1972—Pub. L. 92–341 substituted "$17,500" for "$12,500".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–569 effective Dec. 31, 1974, see section 10 of Pub. L. 93–569, set out as a note under section 1802 of this title.

§ 806. Mortgage Protection Life Insurance.

(a) The Administrator is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of mortgage protection life insurance on a group basis to provide the benefits specified in this section.

(b) Any policy of insurance purchased by the Administrator under this section shall be placed in effect on a date determined by the Administrator and shall automatically insure any eligible veteran who is or has been granted assistance in securing a suitable housing unit under this chapter against the death of the veteran, unless the veteran elects in writing not to be insured under this section or fails to timely respond to a request from the Administrator for information on which his premium can be based.

(c) The initial amount of insurance provided hereunder shall not exceed the lesser of the following amounts: (1) $30,000, (2) the amount of the loan outstanding on such housing unit on the date insurance under this section is placed in effect, or (3) in the case of a veteran granted assistance in securing a housing unit on or after such date the amount of the original loan. The amount of such insurance shall be reduced according to the amortization schedule of the loan and at no time shall exceed the amount of the outstanding loan with interest. If there is no outstanding loan on the housing unit no insurance shall be payable hereunder. If any eligible veteran elects not to be insured under this section, he may thereafter be insured hereunder only upon application, payment of required premiums, and compliance with such health requirements and other terms and conditions as may be prescribed by the Administrator.

(d) The premium rates charged a veteran for insurance under this section shall be paid at such times and in such manner as the Administrator shall prescribe and shall be based on such mortality data as the Administrator deems appropriate to cover only the mortality cost of insuring standard lives. The Administrator is authorized and directed to deduct the premiums charged veterans for life insurance under this section from any compensation or other cash benefits payable to them by the Veterans' Administration and to pay such premiums to the insurer or insurers for such insurance. Any veterans insured hereunder not eligible for cash benefits from the Veterans' Administration may pay the amount of his premiums directly to the insurer or insurers for insurance hereunder.

(e) The United States shall bear all of the cost of the insurance provided under this section except the amount of the premium rates established for eligible veterans under subsection (d) as the mortality cost of insuring standard lives. For each month for which any eligible veteran is insured under a policy purchased under this section there shall be contributed to the insurer or insurers issuing the policy or policies from the appropriation "Compensation and Pensions, Veterans' Administration" an amount necessary to cover the cost of the insurance in excess of the premiums established for eligible veterans, including the cost of administration and the cost of the excess mortality attributable to the veterans' disabilities. Appropriations to carry out the purposes of this section are hereby authorized.

(f) Any amount of insurance in force under this section on the date of death of an eligible veteran insured hereunder shall be paid only to the holder of the mortgage loan, the payment of which such insurance was granted, for credit on the loan indebtedness and the liability of the insurer under such insurance shall be satisfied when such payment is made. If the Administrator is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and, as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 1823 or 1824 of this title, respectively.

(g) Each policy purchased under this section shall also provide, in terms approved by the Administrator, for the following:

(1) reinsurance, to the extent and in a manner to be determined by the Administrator to be in the best interest of the veterans or the Government, with other insurers which meet qualifying criteria established by the Administrator as may elect to participate in such reinsurance.

(2) that at any time the Administrator determines such action to be in the best interest of veterans or the Government he may (A) discontinue the entire policy, or (B) at his option, exclude from coverage under such policy loans made after a date fixed by him for such purpose; however, any insurance previously issued to a veteran under such policy may not be canceled by the insurer solely because of termination of the policy by the Administrator with respect to new loans. If the policy is wholly discontinued, the Administrator shall have the right to require the transfer, to the extent and in a manner to be determined by him, to any new company or companies with which he has negotiated a new policy or policies, the amounts, as determined by the existing insurer or insurers with the concurrence of the Administrator of any policy or contingency reserves with respect to insurance previously in force;

(3) issuance to each veteran insured under this section of a uniform type of certificate setting forth the benefits to which he is entiled under the insurance;

(4) any other provisions which are reasonably necessary or appropriate to carry out the provisions of this section; and

(5) an accounting to the Administrator not later than ninety days after the end of each policy year which shall set forth, in a form approved by the Administrator, (A) the amount of premiums paid by veterans and contributions made by the Veterans' Administration accrued under the contract or agreement from its date of issue to the end of such contract year; (B) the total of all mortality and other claim charges incurred for that period; and (C) the amount of the insurer's expense and risk charges, if any, for that period. Any excess of the total of item (A) over the sum of items (B) and (C) shall be held by the insurer as a contingency reserve to be used by such insurer for charges under the contract or agreement only. The contingency reserve shall bear interest at a rate to be determined in advance of each contract year by the insurer, which rate shall be approved by the Administrator if consistent with the rates generally used by the insurer for similar funds held under other plans of group life insurance. If and when the Administrator determines that such contingency reserve has attained an amount estimated by him to make satisfactory provision for adverse fluctuations in future charges under the contract, the Administrator shall require the insurer to adjust the premium rates and contributions so as to prevent any further substantial accretions to the contingency reserve. If and when the contract or agreement is discontinued and if after all charges have been made there is any positive balance remaining in the contingency reserve, such balance shall be payable to the Administrator and by him deposited to the appropriation "Compensation and Pensions, Veterans' Administration," subject to the right of the insurer to make such payment in equal monthly installments over a period of not more than two years.

(h) With respect to insurance contracted for under this section, the Administrator is authorized to adopt such regulations relating to eligibility of the veteran for insurance, maximum amount of insurance, maximum duration of insurance, and other pertinent factors not specifically provided for in this section, which in his judgment are in the best interest of veterans or the Government. Insurance contracted for under this section shall take effect as to eligible veterans heretofore granted assistance under this chapter on a date determined by the Administrator, and as to eligible veterans hereafter granted assistance under this chapter at the time

of the closing of his loan. The amount of the insurance at any time shall be the amount necessary to pay the mortgage indebtedness in full, except as otherwise limited by the policy.

(i) Insurance contracted for under this section shall terminate upon whichever of the following events first occurs:

(1) satisfaction of the veteran's indebtedness under the loan upon which the insurance is based;

(2) the veteran's seventieth birthday;

(3) termination of the veteran's ownership of the property securing the loan;

(4) discontinuance of payment of premiums by the veteran; or

(5) discontinuance of the entire contract or agreement.

(j) Termination of the mortgage protection life insurance will in no way affect the guaranty or insurance of the loan by the Administrator. (Added Pub. L. 92–95, § 1, Aug. 11, 1971, 85 Stat. 320.)

Chapter 23.—BURIAL BENEFITS

Sec.
903. Death in Veterans' Administration facility; plot allowance.
906. Headstones and markers.
907. Death from service-connected disability.

AMENDMENTS

1973—Pub. L. 93–43, § 5(b)(1), (2), June 18, 1973, 87 Stat. 81, provided for "plot allowance" in item 903, and added items 906 and 907.

§ 902. Funeral expenses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 903, 907 of this title.

§ 903. Death in Veterans' Administration facility; plot allowance.

(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under section 610 or 611 of this title, the Administrator—

(1) shall pay the actual cost (not to exceed $250) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration; and

(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

(b) In addition to the foregoing, if such a veteran, or a veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard for the circumstances in each case, may pay a sum not exceeding $150, as a plot or interment allowance to such person as he prescribes. In any case where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities. (As amended Pub. L. 93–43, § 5(a)(1), June 18, 1973, 87 Stat. 80.)

AMENDMENTS

1973—Pub. L. 93–43, in revising the text, substituted reference to section "611" for "611(a)" in opening text of subsec. (a), designated existing provisions of subsec. (a) as first part of par. (1) of such subsec. (a), incorporated provisions of former subsec. (c) as second part of par. (1) of subsec. (a), redesignated former subsec. (b) as par. (2) of subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1973 AMENDMENT

Section 10(b) of Pub. L. 93–43 provided that: "Clause (1) of section 5(a) [amending this section] shall take effect on the first day of the second calendar month following the date of enactment of this Act [June 18, 1973]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 907 of this title.

§ 906. Headstones and markers.

(a) The Administrator shall furnish, when requested, appropriate Government headstone or markers at the expense of the United States for the unmarked graves of the following:

(1) Any individual buried in a national cemetery or in a post cemetery.

(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1002 (4), (5), and (6) of this title.

(3) Soldiers of the Union and Confederate Armies of the Civil War.

(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1003 of this title, or in any private or local cemetery. (Added Pub. L. 93–43, § 5(a)(2), June 18, 1973, 87 Stat. 80.)

EFFECTIVE DATE

Section 10(c) of Pub. L. 93–43 provided that: "Clause (2) of section 5(a) [enacting this section and section 907 of this title] and sections 6 [enacting provisions set out a note under section 1004 of this title] and 7 [repealing sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290 and 296 of Title 24 and enacting provisions set out as notes under sections 271 to 276 of Title 24] of this Act shall take effect September 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register."

§ 907. Death from service-connected disability.

In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Administrator, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 902 and 903(a)(1) and (b) of this title. (Added Pub. L. 93–43, § 5(a)(2), June 18, 1973, 87 Stat. 80).

EFFECTIVE DATE

Section effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of this title.

Chapter 24.—NATIONAL CEMETERIES AND MEMORIALS

Sec.
1000. Establishment of National Cemetery System; composition of such system; appointment of director.
1001. Advisory Committee on Cemeteries and Memorials.
1002. Persons eligible for interment in national cemeteries.
1003. Memorial areas.
1004. Administration.
1005. Disposition of inactive cemeteries.
1006. Acquisition of lands.
1007. Authority to accept and maintain suitable memorials.

§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director.

(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

(b) The National Cemetery System shall consist of—

(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973;

(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Administrator.

(Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 75.)

REFERENCES IN TEXT

For national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973, and any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, referred to in subsec. (b)(1) and (3), see Transfer of Functions note set out under section 1004 of this title.

EFFECTIVE DATE

Section 10(a) of Pub. L. 93–43 provided that: "The first section [set out as a Short Title note under this section] and sections 2 [enacting this chapter and redesignating former par. (131) as (132) and enacting par. (133) of section 5316 of Title 5], 3 [set out as a note under section 1004 of this title], 4 [enacting section 218 and repealing section 625 of this title], and 8 [amending section 3305(a) of this title] of this Act shall take effect on the date of enactment of this Act [June 18, 1973]."

SHORT TITLE

Section 1 of Pub. L. 93–43 provided: "That this Act [which enacted this chapter and sections 218, 906, and 907 of this title, amended sections 903 and 3505(a) of this title and section 5316(131)–(133) of Title 5, repealed section 625 of this title and sections 271 to 273, 278 to 279d, 281 to 282, 286 to 290, and 296 of Title 24, enacted provisions set out as notes under sections 903, 906, 1000, and 1004 of this title and former sections 271 to 276 of Title 24, and repealed provisions set out as notes under former sections 289 and 290 of Title 24] may be cited as the 'National Cemeteries Act of 1973'."

§ 1001. Advisory Committee on Cemeteries and Memorials.

There shall be appointed by the Administrator an Advisory Committee on Cemeteries and Memorials. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee shall make periodic reports and recommendations to the Administrator and to Congress. (Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 75.)

EFFECTIVE DATE

Section effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

§ 1002. Persons eligible for interment in national cemeteries.

Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery in the National Cemetery System:

(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

(A) attending an authorized training camp or on an authorized practice cruise;

(B) performing authorized travel to or from that camp or cruise; or

(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

(i) attending that camp or on that cruise;

(ii) performing that travel; or

(iii) undergoing that hospitalization or treatment at the expense of the United States.

(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

(6) Such other persons or classes of persons as may be designated by the Administrator. (Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 75.)

EFFECTIVE DATE

Section effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 906 of this title.

§ 1003. Memorial areas.

(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action, or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea or have been determined to be nonrecoverable.

(b) Under regulations prescribed by the Administrator, appropriate memorials or markers shall be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

(c) All national and other veterans' cemeteries in the National Cemetery System created by this Act shall be considered national shrines as a tribute to our gallant dead and, notwithstanding the provisions of any other law, the Administrator is hereby authorized to permit appropriate officials to fly the flag of the United States of America at such cemeteries twenty-four hours each day. (Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 76.)

REFERENCES IN TEXT

For composition of National Cemetery System created by this Act, referred to in subsec. (c), see section 1000(b) of this title.

EFFECTIVE DATE

Section effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 906 of this title.

§ 1004. Administration.

(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator shall provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbaria.

(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator shall by regulation prescribe.

(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried, and such other information as the Administrator by regulation may prescribe.

(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe.

(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

(g) Notwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, such portion of legislative jurisdiction over the lands involved as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.(Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 76.)

EFFECTIVE DATE

Section effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

TRANSFER OF FUNCTIONS

Section 6 of Pub. L. 93–43 provided that:

"[*Jurisdiction*] (a)(1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers' and Airmen's Home and Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section [see note hereunder] (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act [see Short Title note under section 1000 of this title].

"(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsbility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section [see note hereunder] (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery at Philadelphia, and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act [see Short Title note under section 1000 of this title].

"[*Personnel; property; records; and funds*] (b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

"[*Savings provisions; offenses, penalties and forfeitures*] (c) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished

in the same manner and with the same effect as if such amendments or repeals had not been made.

"[*Same; rules; regulations, permits, and other privileges*] (d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

"[*Abatement of proceedings; proceedings against United States or officer of Veterans' Administration; judicial orders; continuation of suits by Administrator*] (e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such department with respect to functions transferred under such subsection (a) or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect [see note hereunder], any such department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs."

Section effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of this title.

FUNCTIONS, POWERS, AND DUTIES OF SECRETARIES UNAFFECTED

Repeal of sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290, and 296 of Title 24, and enactment of provisions set out as notes under sections 271 to 276 of Title 24 without effect upon functions, powers, and duties of secretaries of the military departments with respect to cemeteries, memorials, or monuments under the jurisdiction of the secretary concerned to which the transfer provisions of section 6(a) of Pub. L. 93–43, set out as a note hereunder, do not apply, see section 7(b) of Pub. L. 93–43, set out as a note under sections 271 to 276 of Title 24, Hospitals, Asylums, and Cemeteries.

STUDIES; RECOMMENDATIONS TO CONGRESS

Section 3 of Pub. L. 93–43 provided that:

"(a) The Administrator shall conduct a comprehensive study and submit his recommendations to Congress within twelve months after the convening of the first session of the Ninety-third Congress concerning:

"(1) criteria which govern the development and operation of the National Cemetery System, including the concept of regional cemeteries;

"(2) the relationship of the National Cemetery System to other burial benefits provided by Federal and State Governments to servicemen and veterans;

"(3) steps to be taken to conform the existing System to the recommended criteria;

"(4) the private burial and funeral costs in the United States;

"(5) current headstone and marker programs; and

"(6) the marketing and sales practices of non-Federal cemeteries and interment facilities, or any person either acting on their behalf or selling or attempting to sell any rights, interests, or service therein, which is directed specifically toward veterans and their dependents.

"(b) The Administrator shall also, in conjunction with the Secretary of Defense, conduct a comprehensive study of and submit their joint recommendations to Congress within twelve months after the convening of the first session of the Ninety-third Congress concerning:

"(1) whether it would be advisable in carrying out the purposes of this Act [see Short Title note set out under section 1000 of this title] to include the Arlington National Cemetery within the National Cemetery System established by this Act [see section 1000(b) of this title];

"(2) the appropriateness of maintaining the present eligibility requirements for burial at Arlington National Cemetery; and

"(3) the advisability of establishing another national cemetery in or near the District of Columbia."

Provisions effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

§ 1005. Disposition of inactive cemeteries.

(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetary, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. Any cemetery transferred to the Department of the Interior shall be administered by the Secretary of the Interior as a part of the National Park System, and funds appropriated to the Secretary for such system shall be available for the management and operation of such cemetery.

(b) The Administrator may also transfer and convey all right, title, and interest of the United States in or to any inactive cemetery or burial plot, or portion thereon, to any State, county, municipality, or proper agency thereof, in which or in the vicinity of which such cemetery or burial plot is located, but in the event the grantee shall cease or fail to care for and maintain the cemetery or burial plot or the graves and monuments contained therein in a manner satisfactory to the Administrator, all such right, title, and interest transferred or conveyed by the United States, shall revert to the United States.

(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery to a national cemetery. (Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 77.)

EFFECTIVE DATE

Section effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

§ 1006. Acquisition of lands.

As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States. (Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 78.)

EFFECTIVE DATE

Section effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

§ 1007. Authority to accept and maintain suitable memorials.

Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary. (Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 78.)

EFFECTIVE DATE

Section effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

PART III.—READJUSTMENT AND RELATED BENEFITS

Chap.		Sec.
37.	Home, Condominium, and Mobile Home Loans	1801
41.	Job Counseling, Training, and Placement Service for Veterans	2001
42.	Employment and Training of Disabled and Vietnam Era Veterans	2011
43.	Veteran's Reemployment Rights	2021

AMENDMENTS

1974—Pub. L. 93–569, § 7(d), Dec. 31, 1974, 88 Stat. 1866, substituted "Home, Condominium, and Mobile Home Loans" for "Home, Farm, and Business Loans", in chapter 37 heading.

Pub. L. 93–508, title IV, § 404(b), Dec. 3, 1974, 88 Stat. 1600, added chapter 43.

1972—Pub. L. 92–540, title V, §§ 502(b), 503(b), Oct. 24, 1972, 86 Stat. 1097, 1098, substituted ", Training and" for "and Employment" in chapter 41 heading, and added chapter 42.

Chapter 31.—VOCATIONAL REHABILITATION

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 243, 628, 1685, 1697A, 1780, 1790, 1792, 1795, 2013, 3107 of this title; title 20 section 1070e–1; title 29 section 981.

§ 1501. Definitions.

For the purposes of this chapter—

(1) The term "World War II" means the period beginning on September 16, 1940, and ending on July 25, 1947.

(2) The term "vocational rehabilitation" means training (including educational and vocational counseling, all appropriate individualized tutorial assistance, and other necessary incidental services) for the purpose of restoring employability, to the extent consistent with the degree of disablement, lost by virtue of a handicap due to service-connected disability. (As amended Pub. L. 93–508, title I, § 101(1), Dec. 3, 1974, 88 Stat. 1578.)

AMENDMENTS

1974—Par. (2). Pub. L. 93–508 substituted "vocational counseling, all appropriate individualized tutorial assistance, and other" for "vocational counseling and other".

EFFECTIVE DATE OF 1974 AMENDMENT

Section 501 of Pub. L. 93–508 provided that: "Title I of this Act [amending this section and sections 1502, 1504, 1677, 1682, 1696, 1732, 1742, 1786, and 1787 of this title, and enacting provisions set out as notes under this section and section 1780 of this title] shall become effective on September 1, 1974."

SHORT TITLE

Section 1 of Pub. L. 93–508 provided: "That this Act [enacting sections 219, 220, 243, 1686, 1737, 1796, 1798, 1799, 2014, and 2021 to 2026 of this title, amending this section and sections 241, 242, 244, 1502, 1504, 1652, 1661, 1673, 1677, 1682, 1685, 1692, 1696, 1723, 1732, 1742, 1774, 1780, 1784, 1786, 1787, 1788, 2001 to 2003, 2005 to 2007, and 2012 of this title, and section 459 of the Appendix to Title 50, War and National Defense, renumbering sections 243 and 244 of this title as 244 and 245, and enacting provisions set out as notes under sections 1501, 1652, 1780, and 1798 of this title] may be cited as the 'Vietnam Era Veterans' Readjustment Assistance Act of 1974'."

§ 1502. Basic entitlement.

(a) Every veteran who is in need of vocational rehabilitation on account of a service-connected disability which is, or but for the receipt of retirement pay would be, compensable under chapter 11 of this title shall be furnished such vocational rehabilitation as may be prescribed by the Administrator, if such disability arose out of service during World War II or thereafter.

(b) Unless a longer period is prescribed by the Administrator, no course of vocational rehabilitation may exceed four years. If the veteran has pursued an educational or training program under chapters 33 (prior to its repeal), 34, 35, or 36 of this title, such program shall be utilized to the fullest extent practicable in determining the character and duration of the vocational rehabilitation to be furnished him under this chapter.

* * * * *

(d) Veterans pursuing a program of vocational rehabilitation training under the provisions of this chapter shall also be eligible, where feasible, to perform veteran-student services pursuant to section 1685 of this title and for advance subsistence allowance payments as provided by section 1780 of this title. (As amended Pub. L. 92–540, title I, § 101(1), title III, § 301, Oct. 24, 1972, 86 Stat. 1074, 1080; Pub. L. 93–508, title I, § 101(2), Dec. 3, 1974, 88 Stat. 1578.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–508 struck out pars. (1) and (2), and substituted "if such disability arose out of service during World War II or thereafter." for "if such disability—".

1972—Subsec. (b). Pub. L. 92–540, § 301, added reference to chapter 36 of this title.

Subsec. (d). Pub. L. 92–540, § 101(1), added subsec. (d).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Sept. 1, 1974, see section 501 of Pub. L. 93–508, set out as a note under section 1501 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 601(a) of Pub. L. 92–540 provided that: "The rate increases provided in Title I of this Act [which amended subsec. (d) of this section and sections 1504, 1507, 1677, 1682, 1696, 1732, and 1742 of this title] and the rate increases provided by the provisions of section 1787, title 38, United States Code (as added by section 316 of this Act) shall become effective October 1, 1972; except, for those veterans and eligible persons in training on the date of enactment [Oct. 24, 1972], the effective date shall be the date of the commencement of the current enrollment period, but not earlier than September 1, 1972."

SHORT TITLE

Section 1 of Pub. L. 92–540 provided: "That this Act [which enacted sections 1684, 1685, 1697A, 1733, 1734, 1780, 1786–1791, 2006–2008, and 2011–2013 of this title and section 591 of Appendix to Title 50, redesignated sections 1686 as 1683, 1737 as 1736, and 1788–1791 as 1792–1795,

respectively, amended this section and sections 101, 102, 240, 241, 1504, 1507, 1661, 1671, 1673, 1677, 1681, 1682, 1691, 1692, 1696, 1701, 1712, 1720, 1723, 1731, 1732, 1735, 1742, 1770–1774, 1777, 1781–1785, 1792, 1793, 1795, 2001–2005, 3107, and 3301 of this title, and section 511 of Appendix to Title 50, repealed sections 1672, 1675, 1683, 1687, 1722, 1725, and 1736 of this title, and enacted provisions set out as notes under this section and sections 1712, 1780, 1786, 1792, and 2001 of this title] may be cited as the 'Vietnam Era Veterans' Readjustment Assistance Act of 1972'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1503 of this title.

§ 1504. Subsistence allowances.

* * * * *

(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

Column I Type of training	Column II No dependents	Column III One dependent	Column IV Two dependents	Column V More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$209	$259	$304	$22
Three-quarter-time	157	194	229	17
Half-time	105	130	152	11
Farm cooperative, apprentice, or other on-job training:				
Full-time	182	220	254	17

* * * * *

(As amended Pub. L. 92–540, title I, § 101(2), Oct. 24, 1972, 86 Stat. 1074; Pub. L. 93–508, title I, § 101(3), Dec. 3, 1974, 88 Stat. 1578; Pub. L. 93–602, title II, § 202, Jan. 2, 1975, 88 Stat. 1958.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 93–602 increased the monthly subsistence allowance of a veteran-trainee in column II from $201, $151, $100, and $175 to $209, $157, $105, and $182; in column III from $249, $188, $125, and $212 to $259, $194, $130, and $220; in column IV from $293, $221, $147, and $245 to $304, $229, $152, and $254; in column V from $21 to $22 respectively.

1974—Subsec. (b). Pub. L. 93–508 increased the monthly subsistence allowance of a veteran-trainee in column II from $170, $128, $85, $148, to $201, $151, $100, $175; in column III from $211, $159, $106, $179 to $249, $188, $125, $212; in column IV from $248, $187, $124, $207 to $293, $221, $147, 245; and in column V from $18, $14, $9, $14 to $21, $17, $11, and $17 respectively.

1972—Subsec. (b). Pub. L. 92–540 in column I substituted "Farm cooperative" for "Institutional on-farm", in column II substituted "$170" for "$135", "$128" for "$98", "$85" for "$67", and "$148" for "$118", in column III substituted "$211" for "$181", "$159" for "$133", "$106" for "$91", and "$179" for "$153", in column IV substituted "$248" for "$210", "$187" for "$156", "$124" for "$102", and "$207" for "$181", in heading for column IV substituted "Two dependents" for "Two or more dependents", and set forth provisions formerly set out following table as column V, and as so enumerated, increased the subsistence allowance of a veteran-trainee with more than two dependents, and struck out prerequisites for such increases.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 206 of Pub. L. 93–602 provided that: "The provisions of this title [amending this section and sections 1677, 1682, 1696, 1732, 1742, 1786, and 1787 of this title and enacting provisions set out as a note under this section] shall become effective on January 1, 1975."

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Sept. 1, 1974, see section 501 of Pub. L. 93–508, set out as a note under section 501 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–540 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92–540, set out as a note under section 1502 of this title.

SHORT TITLE

Section 201 of Pub. L. 93–602 provided that: "This title [amending this section and sections 1677, 1682, 1696, 1732, 1742, 1786, and 1787 of this title, and enacting provisions set out as a note under this section] may be cited as the 'Veterans' Education and Rehabilitation Equalization Amendments Act of 1974'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1780 of this title.

§ 1507. Loans to trainees.

The revolving fund which was established pursuant to part VII of Veterans Regulation Numbered 1 (a) is continued in effect, and may be used by the Administrator, under regulations prescribed by him, for making advances, not in excess of $200 in any case, to veterans commencing or undertaking courses of vocational rehabilitation. Such advances, and advances heretofore made, shall bear no interest and shall be repaid in such installments as may be determined by the Administrator, by proper deductions from future payments of subsistence allowance, compensation, pension, or retirement pay. (As amended Pub. L. 92–540, title I, § 101(3), Oct. 24, 1972, 86 Stat. 1074.)

AMENDMENTS

1972—Pub. L. 92–540 substituted "$200" for "$100".

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–540 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92–540, set out as a note under section 1502 of this title.

Chapter 34.—VETERANS' EDUCATIONAL ASSISTANCE

SUBCHAPTER III.—ENROLLMENT

Sec.
1670. Selection of program.
1671. Applications; approval.
1673. Disapproval of enrollment in certain courses.
1674. Discontinuance for unsatisfactory conduct or progress.
1676. Education outside the United States.
1677. Flight training.

SUBCHAPTER IV.—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

1681. Educational assistance allowance.
1682. Computation of educational assistance allowances.
1683. Approval of courses.
1684. Apprenticeship or other on-job training; correspondence courses.
1685. Veteran-student services.
1686 Education loans.

SUBCHAPTER VI.—PREDISCHARGED EDUCATION PROGRAM

1697A. Coordination with and participation by Department of Defense.

AMENDMENTS

1974—Pub. L. 93–508, title III, § 302(b), Dec. 3, 1974, 88 Stat. 1591, added item 1686.

1972—Pub. L. 92–540, title IV, § 404(a), Oct. 24, 1972, 86 Stat. 1090, added in Subchapter IV heading "Veteran-Student Services", and substituted in item 683 "Approval of courses" for "Apprenticeship or other on-job training"; in item 1684 "Apprenticeship or other on-job training; correspondence courses" for "Measurement of courses", and in item 1685 "Veteran-student services" for "Overcharges by educational institutions", struck out item 1672 "Change of program", item 1675 "Period of operation for approval", item 1686 "Approval of courses", and item 1687 "Discontinuance of allowances", and added item 1697A.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 243, 1502, 1685, 1697A, 1771 to 1774, 1780 to 1785, 1787, 1788, 1790, 1792, 1793, 1794, 1795, 1796, 2013, 3107, 4114 of this title; title 20 sections 1070a, 1070e–1; title 29 section 981.

SUBCHAPTER I.—PURPOSE—DEFINITIONS

§ 1652. Definitions.

For the purposes of this chapter—

(a)(1) * * *

* * * * *

(3) For purposes of paragraph (1)(A) and section 1661(a), the term "active duty" does not include any period during which an individual (A) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (B) served as a cadet or midshipman at one of the service academies, or (C) served under the provisions of section 511(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve unless at some time subsequent to the completion of such period of active duty for training such individual served on active duty for a consecutive period of one year or more (not including any service as a cadet or midshipman at one of the service academies).

* * * * *

(As amended Pub. L. 93–508, title II, § 201, Dec. 3, 1974, 88 Stat. 1581.)

AMENDMENTS

1974—Subsec. (a)(3). Pub. L. 93–508 substituted "Coast Guard Reserve unless at some time subsequent to the completion of such period of active duty for training such individual served on active duty for a consecutive period of one year or more (not including any service as a cadet or midshipman at one of the service academies)" for "Coast Guard Reserve".

EFFECTIVE DATE OF 1974 AMENDMENT

Section 503 of Pub. L. 93–508 provided that: "Titles II and IV of this Act [enacting sections 219, 220, 243, 1796, 2014, 2021 to 2026 of this title, and amending this section and sections 241, 242, 244, 1661, 1673, 1682, 1685, 1692, 1723, 1732, 1774, 1780, 1784, 1788, 2001 to 2003, 2005 to 2007, and 2012 of this title, and section 459 of the Appendix to Title 50, War and National Defense] shall become effective on the date of their enactment [Dec. 3, 1974]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 243, 1786, 1787, 1818, 2014 of this title.

SUBCHAPTER II.—ELIGIBILITY AND ENTITLEMENT

§ 1661. Eligibility; entitlement; duration.

(a) Except as provided in subsection (c) and in the second sentence of this subsection, each eligible veteran shall be entitled to educational assistance under this chapter or chapter 36 for a period of one and one-half months (or the equivalent thereof in part-time educational assistance) for each month or fraction thereof of his service on active duty after January 31, 1955. If an eligible veteran has served a period of 18 months or more on active duty after January 31, 1955, and has been released from such service under conditions that would satisfy his active duty obligations, he shall be entitled to educational assistance under this chapter for a period of 36 months (or the equivalent thereof in part-time educational assistance) plus an additional number of months, not exceeding nine, as may be utilized in pursuit of a program of education leading to a standard undergraduate college degree.

* * * * *

(c) Except as provided in subsections (a) and (b) and in subchapters V and VI of this chapter, no eligible veteran shall receive educational assistance under this chapter in excess of thirty-six months. (As amended Pub. L. 92–540, title IV, § 401(1), Oct. 24, 1972, 86 Stat. 1089; Pub. L. 93–508, title II, § 202, Dec. 3, 1974, 88 Stat. 1581.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–508, § 202(1), added "plus an additional number of months, not exceeding nine, as may be utilized in pursuit of a program of education leading to a standard undergraduate college degree" at end of subsection.

Subsec. (c). Pub. L. 93–508, § 202(2), added reference to subsec. (a).

1972—Subsec. (a). Pub. L. 92–540 added reference to chapter 36.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1652, 1682, 1693, 1696, 1798 of this title.

§ 1662. Time limitations for completing a program of education.

Delimiting Period for Completion

(a) No educational assistance shall be afforded an eligible veteran under this chapter beyond the date 10 years after his last discharge or release from active duty after January 31, 1955.

Correction of Discharge

(b) In the case of any eligible veteran who has been prevented, as determined by the Administrator, from completing a program of education under this chapter within the period prescribed by subsection (a), because he had not met the nature of discharge requirements of this chapter before a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, the correction of the military records of the proper service department under section 1552 of title 10, or other corrective action by competent authority, then the 10-year delimiting period shall run from the date his discharge or dismissal was changed, corrected, or modified.

Savings Clause

(c) In the case of any eligible veteran who was discharged or released from active duty before the

date for which an educational assistance allowance is first payable under this chapter, the 10-year delimiting period shall run from such date, if it is later than the date which otherwise would be applicable. In the case of any eligible veteran who was discharged or released from active duty before the date of enactment of this sentence and who pursues a course of farm cooperative training, apprenticeship or other training on the job, or flight training within the provisions of section 1677 of this chapter, the 10-year delimiting period shall run from the date of enactment of this sentence, if it is later than the date which would otherwise be applicable.

(d) In the case of any veteran (1) who served on or after January 31, 1955, (2) who became eligible for educational assistance under the provisions of this chapter or chapter 36 of this title, and (3) who, subsequent to his last discharge or release from active duty, was captured and held as a prisoner of war by a foreign government or power, there shall be excluded, in computing his 10-year period of eligibility for educational assistance, any period during which he was so detained and any period immediately following his release from such detention during which he was hospitalized at a military, civilian, or Veterans' Administration medical facility. (As amended Pub. L. 93–337, § 1, July 10, 1974, 88 Stat. 292.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–337, § 1(1), substituted "10" for "eight."

Subsec. (b). Pub. L. 93–337, § 1(2), substituted "10-year" for "8-year."

Subsec. (c). Pub. L. 93–337, § 1(3), substituted "10-year" for "8-year" and "eight year," respectively.

Subsec. (d). Pub. L. 93–337, § 1(4), added subsec. (d).

EXTENSION OF TIME FOR PURSUIT OF EDUCATIONAL PROGRAMS

Pub. L. 93–293, May 31, 1974, 88 Stat. 176, provided: "That, notwithstanding any other provision of law, the eight-year delimiting date for pursuit of educational programs under chapter 34 of title 38, United States Code [this chapter], for eligible veterans discharged or released from active duty between January 31, 1955, and September 1, 1966 (except for those veterans whose discharges are subject to the provisions of section 1662(b) of such chapter [subsec. (b) of this section], or who are pursuing courses of farm cooperative training, apprenticeship or other training on the job, or flight training under such chapter), shall run from July 1, 1966."

SUBCHAPTER III.—ENROLLMENT

§ 1671. Applications; approval.

Any eligible veteran, or any person on active duty (after consultation with the appropriate service education officer), who desires to initiate a program of education under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The Administrator shall approve such application unless he finds that such veteran or person is not eligible for or entitled to the educational assistance applied for, or that his program of education fails to meet any of the requirements of this chapter, or that he is already qualified. The Administrator shall notify the veteran or person of the approval or disapproval of his application. (As amended Pub. L. 92–540, title III, § 302, Oct. 24, 1972, 86 Stat. 1080.)

AMENDMENTS

1972—Pub. L. 92–540 added provision authorizing any person on active duty, after consultation with the appropriate service education officer, to submit an application to the Administrator.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1682, 1691 of this title.

§ 1672. Repealed. Pub. L. 92–540, title IV, § 401(6), Oct. 24, 1972, 86 Stat. 1090.

Section, Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 15, related to change of program by the veteran. See section 1791 of this title.

§ 1673. Disapproval of enrollment in certain courses.

(a) The Administrator shall not approve the enrollment of an eligible veteran in—

(1) any bartending course or personality development course;

(2) any sales or sales management course which does not provide specialized training within a specific vocational field, or in any other course with a vocational objective, unless the eligible veteran or the institution offering such course submits justification showing that at least one-half of the persons who completed such course over the preceding two-year period, and who are not unavailable for employment, have been employed in the occupational category for which the course was designed to provide training (but in computing the number of persons who completed such course over any such two-year period, there shall not be included the number of persons who completed such course with assistance under this title while serving on active duty); or

(3) any type of course which the Administrator finds to be avocational or recreational in character (or the advertising for which he finds contains significant avocational or recreational themes) unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.

* * * * *

(d) The Administrator shall not approve the enrollment of any eligible veteran, not already enrolled, in any course (other than one offered pursuant to subchapter V or subchapter VI of this chapter) which does not lead to a standard college degree and which is offered by a proprietary profit or proprietary nonprofit educational institution for any period during which the Administrator finds that more than 85 per centum of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under this title. (As amended Pub. L. 92–540, title IV, § 401(2), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 93–508, title II, § 203, Dec. 3, 1974, 88 Stat. 1582.)

AMENDMENTS

1974—Subsec. (a)(2). Pub. L. 93–508, § 203(1), substituted "or in any other course with a vocational objective, unless the eligible veteran" for "unless the eligible veteran", "the persons who completed" for "the persons completing", and "period, and who are not available for employment, have been employed in the occupational

category for which the course was designed to provide training" for "period have been employed in the sales or sales management field", and added parenthetical provisions covering exclusion of the number of persons who completed the course with assistance under this title.

Subsec. (a)(3). Pub. L. 93–508, § 203(2), added parenthetical provisions relating to finding by Administrator of advertisements containing significant avocational or recreational themes.

Subsec. (d). Pub. L. 93–508, § 203(3), susbtituted "course (other than one offered pursuant to subchapter V or subchapter VI of this chapter) which does not lead to a standard college degree and which is offered by" for "non-accredited course below the college level offered by", and substituted reference to this title for reference to this chapter and chapter 31, 34 or 36 of this title.

1972—Subsec. (d). Pub. L. 92–540 substituted references to chapter 34 or 36 of this title for reference to chapter 35 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

§ 1675. Repealed. Pub. L. 92–540, title IV, § 401(6), Oct. 24, 1972, 86 Stat. 1090.

Section, Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 16, related to the period of operation for approval by the Administrator. See section 1789 of this title.

§ 1677. Flight training.

* * * * *

(b) Each eligible veteran who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of subsection (a) hereof, shall be paid an educational assistance allowance to be computed at the rate of 90 per centum of the established charges for tuition and fees which similarly circumstanced non-veterans enrolled in the same flight course are required to pay. Such allowance shall be paid monthly upon receipt of a certification as required by section 1681 (c) of this title. In each such case the eligible veteran's period of entitlement shall be charged with one month for each $270 which is paid to the veteran as an educational assistance allowance for such course. (As amended Pub. L. 92–540, title I, § 102(1), title IV, § 401(3), Oct. 24, 1972, 86 Stat. 1075, 1099; Pub. L. 93–508, title I, § 102(1), Dec. 3, 1974, 88 Stat. 1579; Pub. L. 93–602, title II, § 203(a), Jan. 2, 1975, 88 Stat. 1958.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 93–602 substituted "$270" for "$260".

1974—Subsec. (b). Pub. L. 93–508 substituted "$260" for "$220".

1972—Subsec. (b). Pub. L. 92–540 substituted provisions relating to certification as required by section 1681 (c) of this title, for provisions relating to certification from the eligible veteran and the institution as to actual flight training received by the veteran during such month and the cost thereof, and "$220" for "$175".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–602 effective Jan. 1, 1975, see section 206 of Pub. L. 93–602, set out as a note under section 1504 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508, effective Sept. 1, 1974, see section 501 of Pub. L. 93–508, set out as a note under section 1501 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by section 102(1) of Pub. L. 92–540 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92–540, set out as a note under section 1502 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1662, 1673, 1682 of this title.

SUBCHAPTER IV.—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

AMENDMENTS

1972—Pub. L. 92–540, title IV, § 404(b), Oct. 24, 1972, 86 Stat. 1091, added in Subchapter IV heading "; Veteran-Student Services".

§ 1681. Educational assistance allowance.

General

(a) The Administrator shall, in accordance with the applicable provisions of this section and section 1780 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of his subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

Institutional Training

(b) The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence or a program of flight training, at an educational institution shall be paid as provided in section 1780 of this title.

Flight Training

(c) No educational assistance allowance for any month shall be paid to an eligible veteran who is pursuing a program of education consisting exclusively of flight training until the Administrator shall have received a certification from the eligible veteran and the institution as to actual flight training received by, and the cost thereof to, the veteran during that month. (As amended Pub. L. 92–540, title II, § 202, Oct. 24, 1972, 86 Stat. 1079.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–540 added subsec. catchline "General" and provisions requiring allowances to be paid in accordance with the applicable provisions of this section and section 1780 of this title.

Subsec. (b). Pub. L. 92–540 added subsec. catchline "Institutional Training", and substituted provisions requiring allowances of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence or a program of flight training, at an educational institution to be paid as provided in section 1780 of this title, for provisions requiring allowances of an eligible veteran to be paid, as provided in section 1682 of this title, only for the period of his enrollment as approved by the Administrator, but limiting such payments to veterans meeting certain specified requirements while pursuing standard college degrees.

Subsec. (c). Pub. L. 92–540 added subsec. catchline "Flight Training", and substituted provisions relating to the payment of allowances to eligible veterans pursuing a program of education consisting exclusively of flight training, for provisions authorizing the Administrator to prescribe regulations to determine enrollment in, pursuit of, and attendance at, any program of education or course by an eligible veteran.

Subsec. (d). Pub. L. 92-540 struck out subsec. (d), which related to certification to the Administrator from the eligible veteran as to his actual attendance or completion of lessons by correspondence, and from the educational institution that such veteran was enrolled in and pursuing a course of education during such period or completion of lessons by correspondence by the veteran and serviced by the institution.

Subsec. (e). Pub. L. 92-540 struck out subsec. (e), which related to the prompt payment of the educational assistance allowance to the veteran.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1677, 1682, 1691 of this title.

§ 1682. Computation of educational assistance allowances.

(a)(1) Except as provided in subsection (b), or (c) of this section, or section 1677 or 1683 of this title, while pursuing a program of education under this chapter of half-time or more, each eligible veteran shall be paid the monthly educational assistance allowance set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the applicable type of program as shown in column I:

Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV plus the following for each dependent in excess of two:
Institutional:				
Full-time	$270	$321	$366	$22
Three-quarter-time	203	240	275	17
Half-time	135	160	182	11
Cooperative	217	255	289	17

* * * * *

(b) The educational assistance allowance of an individual pursuing a program of education—

(1) while on active duty, or

(2) on less than a half-time basis,

shall be computed at the rate of (A) the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) $270 per month for a full-time course, whichever is the lesser.

(c)(1) An eligible veteran who is enrolled in an educational institution for a "farm cooperative" program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months and who pursues such program on—

(A) a full-time basis (a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period),

(B) a three-quarter-time basis (a minimum of 7 clock hours per week), or

(C) a half-time basis (a minimum of 5 clock hours per week)

shall be eligible to receive an educational assistance allowance at the appropriate rate provided in the table in paragraph (2) of this subsection, if such eligible veteran is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Administrator. In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled.

(2) The monthly educational assistance allowance of an eligible veteran pursuing a farm cooperative program under this chapter shall be paid as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the basis shown in column I:

Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$217	$255	$289	$17
Three-quarter-time	163	191	218	13
Half-time	109	128	145	9

(d)(1) Notwithstanding the prohibition in section 1671 of this title prohibiting enrollment of an eligible veteran in a program of education in which such veteran has "already qualified," a veteran shall be allowed up to six months of educational assistance (or the equivalent thereof in part-time assistance) for the pursuit of refresher training to permit such veteran to update such veteran's knowledge and skills and to be instructed in the technological advances which have occurred in such veteran's field of employment during and since the period of such veteran's active military service.

(2) A veteran pursuing refresher training under this subsection shall be paid an educational assistance allowance based upon the rate prescribed in the table in subsection (a)(1) or in subsection (c)(2) of this section, whichever is applicable.

(3) The educational assistance allowance paid under the authority of this subsection shall be charged against the period of entitlement the veteran has earned pursuant to section 1661(a) of this title. (As amended Pub. L. 92-540, title I § 102(2)-(4), title III, § 303, title IV, § 401(4), (5), Oct. 24, 1972, 86 Stat. 1075, 1081, 1090; Pub. L. 93-508, title I, § 102(2)-(4), title II, § 204, Dec. 3, 1974, 88 Stat. 1579, 1582; Pub. L. 93-602, title II, § 203(b), Jan. 2, 1975, 88 Stat. 1958.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 93-602 substituted "$270" for "$260".

1974—Subsec. (a)(1). Pub. L. 93-508, § 102(2), increased the monthly educational assistance allowance for eligible veterans in column II from $220, $165, $110, and $177 to $270, $203, $135, and $217; in column III from $261, $196, $131, and $208 to $321, $240, $160, and $255; in column IV from $298, $224, $149, and $236 to $366, $275, $182, and $289; and in column V from $18, $14, $9, and $14 to $22, $17, $11, and $17 respectively.

Subsec. (b). Pub. L. 93-508, § 102(3), substituted "$260" for "$220".

Subsec. (c)(2). Pub. L. 93–508, § 102(4), increased the educational assistance allowance rates for eligible veterans pursuing a farm cooperative program in column II from $177, $133, and $89 to $217, $163, and $109; in column III from $208, $156, and $104 to $255, $191, and $128; in column IV from $236, $177, and $118 to $289, $218, and $145; and in column V from $14, $11, and $7 to $17, $13, and $9 respectively.

Subsec. (d). Pub. L. 93–508, § 204, added subsec. (d).

1972—Subsec. (a)(1), Pub. L. 92–540, §§ 102(2), 401(4), substituted references to subsec. (c) of this section and section 1787 of this title for references to subsec. (c)(1) or (d) of this section and section 1683 of this title, respectively, and increased the monthly educational assistance allowance for eligible veterans in column II from $175, $128, $81, and $141 to $220, $165, $110, and $177; in column III from $205, $152, $100, and $167 to $261, $196, $131, and $208; in column IV from $230, $177, $114, and $192 to $298, $224, $149, and $236; and in column V from $13, $10, $7, and $10 to $18, $14, $9, and $14, respectively.

Subsec. (b). Pub. L. 92–540, §§ 102(3), 401(5), substituted "$220" for "$175", and struck out provisions relating to payment of the educational assistance allowance provided by this subsection and the educational assistance allowance provided by section 1696(b) of this title.

Subsec. (c). Pub. L. 92–540, §§ 102(4), 303, struck out former subsec. (c), which related to the computation of the educational assistance allowance of an eligible veteran pursuing a program of education exclusively by correspondence. Former subsec. (d) was redesignated as subsec. (c), and, as so redesignated, in par. (1)(A) generally amended prerequisites for a full-time basis program, in par. (1)(B) substituted "7" for "9", in par. (1)(C) substituted "5" for "6", following par. (1)(C) added provision relating to the computation of the clock hour requirements, and in par. (2) increased the educational assistance allowance rates for eligible veterans pursuing a farm cooperative program in column II from $141, $101, and $67 to $177, $133, and $89; in column III from $165, $119, and $79 to $208, $156, and $104; in column IV from $190, $138, and $92 to $236, $177, and $118; and in column V from $10, $7, and $4 to $14, $11, and $7, respectively.

Subsec. (d). Pub. L. 92–540, § 303, redesignated former subsec. (d) as (c).

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–602 effective Jan. 1, 1975, see section 206 of Pub. L. 93–602, set out as a note under section 1504 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment of subsecs. (a), (b), and (c) by Pub. L. 93–508 effective Sept. 1, 1974, see section 501 of Pub. L. 93–508, set out as a note under section 1501 of this title.

Subsec. (d) effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by sections 102(2), (3), (4), of Pub. L. 92–540 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92–540, set out as a note under section 1502 of this title.

Amendment of former subsec. (c) by Pub. L. 92–540 not to effect any enrollment agreement entered into by an eligible veterans prior to Jan. 1, 1973, see section 602 of Pub. L. 92–540, set out as a note under section 1786 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1691, 1692, 1732, 1780 of this title.

§ 1683. Approval of courses.

An eligible veteran shall receive the benefits of this chapter while enrolled in a course of education offered by an educational institution only if such course is approved in accordance with the provisions of subchapter I of chapter 36 of this title. (Added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 19, § 1683, formerly § 1685, renumbered 1686, Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186, renumbered § 1683, Pub. L. 92–540, title IV, § 401(7), Oct. 24, 1972, 86 Stat. 1090.)

CODIFICATION

A prior section 1683, added Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186, and amended Pub. L. 91–219, title I, § 103(e), Mar. 26, 1970, 84 Stat. 77; Pub. L. 91–584, § 7, Dec. 24, 1970, 84 Stat. 1576, which related to apprenticeship or other on-job training, was repealed by Pub. L. 92–540, title IV, § 401(6), Oct. 24, 1972, 84 Stat. 1090. See section 1787 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1682, 1770 of this title.

§ 1684. Apprenticeship or other on-job training; correspondence courses.

Any eligible veteran may pursue a program of apprenticeship or other on-job training or a program of education exclusively by correspondence and be paid an educational assistance allowance or training assistance allowance, as applicable, under the provisions of section 1787 or 1786 of this title. (Added Pub. L. 92–540, title III, § 304, Oct. 24, 1972, 86 Stat. 1081.)

CODIFICATION

A prior section 1684, added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 18, § 1683, renumbered Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186, and amended Pub. L. 91–219, title II, § 206(a), Mar. 26, 1970, 84 Stat. 81; Pub. L. 91–584, §§ 8, 11, Dec. 24, 1970, 84 Stat. 1577, related to the measurement of courses. See section 1788 of this title.

§ 1685. Veteran-student services.

(a) Veteran-students utilized under the authority of subsection (b) of this section shall be paid an additional educational assistance allowance (hereafter referred to as "work-study allowance"). Such work-study allowance shall be paid in the amount of $625 in return for such veteran-student's agreement to perform services, during or between periods of enrollment, aggregating two hundred and fifty hours during a semester or other applicable enrollment period, required in connection with (1) the outreach services program under subchapter IV of chapter 3 of this title as carried out under the supervision of a Veterans' Administration employee, (2) the preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans' Administration, (3) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, or (4) any other activity of the Veterans' Administration as the Administrator shall determine appropriate. An agreement may be entered into for the performance of services for periods of less than two hundred and fifty hours, in which case the amount of the work-study allowance to be paid shall bear the same ratio to the number of hours of work agreed to be performed as $625 bears to two hundred and fifty hours. In the case of any agreement providing for the performance of services for one hundred hours or more, the veteran student shall be paid $250 in advance, and in the case of any agreement for the performance of services for less than

one hundred hours, the amount of the advance payment shall bear the same ratio to the number of hours of work agreed to be performed as $625 bears to two hundred and fifty hours.

(b) Notwithstanding any other provision of law, the Administrator shall utilize, in connection with the activities specified in subsection (a) of this section, the service of veteran-students who are pursuing full-time programs of education or training under chapters 31 and 34 of this title. In carrying out this section, the Administrator, wherever feasible, shall give priority to veterans with disabilities rated at 30 per centum or more for purposes of chapter 11 of this title.

(c) The Administrator shall determine the number of veterans whose services the Veterans' Administration can effectively utilize and the types of services that such veterans may be required to perform, on the basis of a survey, which he shall conduct annually, of each Veterans' Administration regional office in order to determine the numbers of veteran-students whose services can effectively be utilized during an enrollment period in each geographical area where Veterans' Administration activities are conducted, and shall determine which veteran-students shall be offered agreements under this section in accordance with regulations which he shall prescribe, including as criteria (1) the need of the veteran to augment his educational assistance or subsistence allowance; (2) the availability to the veteran of transportation to the place where his services are to be performed; (3) the motivation of the veteran; and (4) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran's physical condition.

(d) While performing the services authorized by this section, veteran-students shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administrated by the Civil Service Commission. (Added Pub. L. 92–540, title II, § 203, Oct. 24, 1972, 86 Stat. 1079, and amended Pub. L. 93–508, title II, § 205, Dec. 3, 1974, 88 Stat. 1582.)

CODIFICATION

A prior section 1685, added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 1684, and renumbered Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186, related to the overcharging of eligible veterans by educational institutions. See section 1790 of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–508, § 205 (1), (2), substituted "the amount of $625" for "in advance in the amount of $250", and "aggregating two hundred and fifty hours" for "aggregating one hundred hours", and substituted provisions that an agreement may be entered into for the performance of services for periods of less than two hundred and fifty hours, in which case the amount of the work-study allowance to be paid shall bear the same ratio to the number of hours of work agreed to be performed as $625 bears to two hundred and fifty hours and that in the case of any agreement providing for the performance of services for less than one hundred hours, the amount of the advance payment shall bear the same ratio to the number of hours of work agreed to be performed as $625 bears to two hundred and fifty hours, for provisions that advances of lesser amounts may be made in return for agreements to perform services for periods of less than one hundred hours, and that the amount of such advance shall bear the same ratio to the number of hours of work agreed to be performed as $250 bears to one hundred hours.

Subsec. (c). Pub. L. 93–508, § 205(3), struck out parenthetical provisions relating to a limit of eight-hundred man-years or their equivalent during any fiscal year.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 241, 243, 1502 of this title.

§ 1686. Education loans.

Any eligible veteran shall be entitled to an education loan (if the program of education is pursued in a State) in such amount and on such terms and conditions as provided in sections 1798 and 1799 of this title. (Added Pub. L. 93–508, title III, § 302(a), Dec. 3, 1974, 88 Stat. 1591.)

EFFECTIVE DATE

Section effective on Jan. 1, 1975, except that eligible persons shall, upon application, be entitled to a loan under subchapter III of chapter 36 of this title, the terms of which take into account the full amount of the actual cost of attendance, as defined in section 1798(b)(2)(C) of this title, which such persons incurred for the academic year beginning on or about Sept. 1, 1974, see section 502 of Pub. L. 93–508, set out as a note under section 1501 of this title.

§ 1687. Repealed. Pub. L. 92–540, title IV, § 401(6), Oct. 24, 1972, 86 Stat. 1090.

Section, added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 19, § 1686, and renumbered Pub L. 90–77, title III, § 304 (a), Aug. 31, 1967, 81 Stat. 186, related to discontinuance of educational assistance allowance by the Administrator. See section 1790(b) of this title.

SUBCHAPTER V.—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1661, 1673, 1697A, 1789 of this title; title 20 section 1070e–1.

§ 1691. Elementary and secondary education and preparatory educational assistance.

* * * * *

(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 (a) or (b) of this title. (As amended Pub. L. 92–540, title III, § 305, Oct. 24, 1972, 86 Stat. 1081.)

AMENDMENTS

1972—Subsec. (b). Pub. L. 92–540 struck out provision relating to the approval in excess of half-time training as defined pursuant to section 1684 of this title of enrollment in adult evening secondary school courses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1697A, 1733, 1780, 1788 of this title.

§ 1692. Special supplementary assistance.

(a) In the case of any eligible veteran who—

* * * * *

(2) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is

indispensible to the satisfactory pursuit of, an approved program of education,

the Administrator may approve individualized tutorial assistance for such veteran if such assistance is necessary for the veteran to complete such program successfully.

(b) The Administrator shall pay to an eligible veteran receiving tutorial assistance pursuant to subsection (a) of this section, in addition to the educational assistance allowance provided in section 1682 of this title, the cost of such tutorial assistance in an amount not to exceed $60 per month, for a maximum of twelve months, or until a maximum of $720 is utilized, upon certification by the educational institution that—

(1) the individualized tutorial assistance is essential to correct a deficiency of the eligible veteran in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

* * * * *

(As amended Pub. L. 92–540, title III, § 306, Oct. 24, 1972, 86 Stat. 1081; Pub. L. 93–508, title II, § 206, Dec. 3, 1974, 88 Stat. 1583.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–508, substituted "$60 per month, for a maximum of twelve months, or until a maximum of $720" for "$50 per month, for a maximum of nine months, or until a maximum of $450".

1972 Subsec. (a)(2). Pub. L. 92–540, § 306(1), struck out "marked" preceding "deficiency".

Subsec. (b). Pub. L. 92–540, § 306(2), added "or until a maximum of $450 is utilized," following "nine months".

Subsec. (b)(1). Pub. L. 92–540, § 306(1), struck out "marked" preceding "deficiency".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1733 of this title; title 20 section 1070e–1.

SUBCHAPTER VI.—PREDISCHARGED EDUCATION PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1661, 1673, 1780, 1789 of this title; title 20 section 1070e–1.

§ 1696. Payment of educational assistance allowance.

* * * * *

(b) The educational assistance allowance of an eligible person pursuing education or training under this subchapter shall be computed at the rate of (1) the established charges for tuition and fees which the educational institution requires similarly circumstanced nonveterans enrolled in the same or a similar program to pay, and the cost of books and supplies peculiar to the course which such educational institution requires similarly circumstanced nonveterans enrolled in the same or a similar program to have, or (2) $270 per month for a full-time course, whichever is the lesser. Where it is determined that there is no same program, the Administrator shall establish appropriate rates for tuition and fees designed to allow reimbursement for reasonable costs for the education or training institution.

* * * * *

(As amended Pub. L. 92–540, title I, § 102(5), title III, § 307, Oct. 24, 1972, 86 Stat. 1075, 1081; Pub. L. 93–508, title I, § 102(5), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93–602, title II, § 203(c), Jan. 2, 1975, 88 Stat. 1958.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 93–602 substituted "$270" for "$260".

1974—Subsec. (b). Pub. L. 93–508 substituted "$260" for "$220".

1972—Subsec. (b). Pub. L. 92–540 substituted "$220" for "$175", and added provisions authorizing the Administrator to establish appropriate rates for tuition and fees designed to allow reimbursement for reasonable costs for the education or training institution where determined there is no same program.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–602 effective Jan. 1, 1975, see section 206 of Pub. L. 93–602, set out as a note under section 1504 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Sept. 1, 1974, see section 501 of Pub. L. 93–508, set out as a note under section 1501 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by section 102(5) of Pub. L. 92–540 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92–540, set out as a note under section 1502 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1697A, 1788 of this title.

§ 1697A. Coordination with and participation by Department of Defense.

(a) The Administrator shall designate an appropriate official of the Veterans' Administration who shall cooperate with and assist the Secretary of Defense and the official he designates as administratively responsible for such matters, in carrying out functions and duties of the Department of Defense under the PREP program authorized by this subchapter. It shall be the duty of such official to assist the Secretary of Defense in all matters entailing cooperation or coordination between the Department of Defense and the Veterans' Administration in providing training facilities and released time from duty necessary to carry out the purposes of the program.

(b) Educational institutions and training establishments administered by or under contract to the Department of Defense providing education and training to persons serving on active duty with the Armed Forces shall, in accordance with regulations jointly prescribed by the Administrator and the Secretary of Defense, be approved for the enrollment of eligible persons only at such time as the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing such Department's plan for implementation of the program established under this subchapter (except that on-going programs of education and training at such institutions or establishments may be continued for ninety days after the date of enactment of this section and prior to the submission

of such report), and periodically thereafter submits progress reports with respect to the implementation of such plan, which plan shall include provision for—

(1) each Secretary concerned to undertake an information and outreach program designed to advise, counsel, and encourage each eligible person within each branch of the Armed Forces with respect to enrollment in a program under this subchapter, with particular emphasis upon programs under sections 1691(a)(2) and 1696(a)(2) of this title, and in all other programs for which such person, prior to or following discharge or release from active duty, may be eligible under chapters 31 and 34 of this title;

(2) each Secretary concerned to undertake, in coordination with representatives of the Veterans' Administration, to arrange and carry out meetings with each approved educational institution located in the vicinity of an Armed Forces installation (or, in the case of installations overseas, which have the capacity to carry out such programs at such overseas installations) to encourage the establishment of a program by such institution under this subchapter and subchapter V of this chapter in connection with persons stationed at such installation, with particular emphasis upon programs under sections 1691(a)(2) and 1696(a)(2) of this title;

(3) the release from duty assignment of any such eligible person for at least one-half of the hours required for such person to enroll in a full-time program of education or training under this subchapter during his military service, unless, pursuant to regulations prescribed by the Secretary concerned, it is determined that such release of time is inconsistent with the interests of the national defense; and

(4) establishment of an Inter-Service and Agency Coordinating Committee, under the co-chairmanship of an Assistant Secretary of Defense and the Chief Benefits Director of the Veterans' Administration, to promote and coordinate the establishment and conduct of programs under this subchapter and other provisions of this title and the implementation of the plan submitted pursuant to this section.

(Added Pub. L. 92–540, title III, § 308, Oct. 24, 1972, 86 Stat. 1082.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b), means the date of enactment of Pub. L. 92–540, which was approved Oct. 24, 1972.

Chapter 35.—WAR ORPHANS' AND WIDOWS EDUCATIONAL ASSISTANCE

SUBCHAPTER III.—PROGRAM OF EDUCATION

Sec.
1720. Development of educational plan.
1721. Final approval of application.
1723. Disapproval of enrollment in certain courses.
1724. Discontinuance for unsatisfactory progress.

SUBCHAPTER IV.—PAYMENTS TO ELIGIBLE PERSONS

1731. Educational assistance allowance.
1732. Computation of educational assistance allowance.
1733. Special assistance for the educationally disadvantaged.
1734. Apprenticeship or other on-job training; correspondence courses.
1735. Approval of courses.
1736. Specialized vocational training courses.
1737. Education loans.

AMENDMENTS

1974—Pub. L. 93–508, title III, § 303(b), Dec. 3, 1974, 88 Stat. 1592 added item 1737.

1972—Pub. L. 92–540, title IV, § 405, Oct. 24, 1972, 86 Stat. 1091, substituted in item 1733 "Special assistance for the educationally disadvantaged" for "Measurement of courses", in item 1734 "Apprenticeship or other on-job training; correspondence courses" for "Overcharges by educational institutions", and in item 1736 "Specialized vocational training courses" for "Discontinuance of allowances", and struck out item 1722 "Change of program", item 1725 "Period of operation for approval", and item 1737 "Specialized vocational training courses".

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 243, 1502, 1771 to 1774, 1780 to 1785, 1787, 1788, 1790, 1792, 1793, 1794, 1795, 1796, 2013 of this title; title 20 section 1070a.

SUBCHAPTER I.—DEFINITIONS

§ 1701. Definitions.

(a) For the purposes of this chapter—

* * * * *

(4) The term "guardian" includes a fiduciary legally appointed by a court of competent jurisdiction, or any other person who has been appointed by the Administrator under section 3202 of this title to receive payment of benefits for the use and benefit of the eligible person.

* * * * *

(6) The term "educational institution" means any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above.

* * * * *

(9) For the purposes of this chapter and chapter 36 of this title, the term "training establishment" means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established pursuant to chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training.

* * * * *

(As amended Pub. L. 92–540, title III, § 309, Oct. 24, 1972, 86 Stat. 1083; Pub. L. 93–295, title III, § 302. May 31, 1974, 88 Stat. 184.)

AMENDMENTS

1974—Subsec. (a)(4). Pub. L. 93–295 substituted "any other person who has been appointed by the Administrator under section 3202 of this title to receive payment of benefits for the use and benefit of the eligible person" for "any person who is determined by the Administrator in accordance with section 3202 of this title to be otherwise legally vested with the care of the eligible person."

1972—Subsec. (a)(6). Pub. L. 92–540, § 309(1), added reference to correspondence school within the definition of the term "educational institution".

Subsec. (a)(9). Pub. L. 92–540, § 309(2), added subsec. (a)(9).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective on the first day of the second calendar month following May 31, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 314 of this title.

TERMINATION OF ELIGIBILITY PERIOD

Termination of eligibility period for a wife or widow, or an eligible person eight years from Oct. 24, 1972, see section 604 of Pub. L. 92–540, set out as a note under section 1712 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 240, 1711, 1712, 1720, 1763, 1765, 1786, 1787 of this title.

SUBCHAPTER II.—ELIGIBILITY AND ENTITLEMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1798 of this title.

§ 1711. Duration of educational assistance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1712, 1733 of this title.

§ 1712. Periods of eligibility.

(a) The educational assistance to which an eligible person (within the meaning of section 1701(a)(1)(A)) is entitled under section 1711 of this title or subchapter V of this chapter may be afforded him during the period beginning on his eighteenth birthday, or on the successful completion of his secondary schooling, whichever first occurs, and ending on his twenty-sixth birthday, except that—

* * * * *

(2) if he has a mental or physical handicap, and the Administrator determines that his best interests will be served by pursuing a program of special restorative training or a specialized course of vocational training approved under section 1736 of this title, such period may begin before his eighteenth birthday, but not before his fourteenth birthday;

* * * * *

(b) No person made eligible by section 1701(a)(1)(B) or (D) of this chapter may be afforded educational assistance under this chapter beyond 10 years after whichever last occurs.

(1) the date on which the Administrator first finds the spouse from whom eligibility is derived has a service-connected total disability permanent in nature, or

(2) the date of death of the spouse from whom eligibility is derived.

* * * * *

(f) No person made eligible by section 1701(a)(1)(C) of this title may be afforded educational assistance under this chapter beyond 10 years after the date on which her spouse was listed by the Secretary concerned in one of the categories referred to in such section or the date of enactment of this subsection, whichever last occurs.

* * * * *

(As amended Pub. L. 92–540, title IV, § 402(1), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 93–337, § 2, July 10, 1974, 88 Stat. 292.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–337, § 2(1), substituted "may be afforded educational assistance under this chapter beyond 10 years" for "may be afforded educational assistance under this chapter beyond eight years".

Subsec. (f). Pub. L. 93–337, § 2(2), substituted "may be afforded educational assistance under this chapter beyond 10 years" for "may be afforded educational assistance under this chapter beyond eight years".

1972—Subsec. (a)(2). Pub. L. 92–540 substituted reference to section 1736 of this title for reference to section 1737 of this title.

TERMINATION OF ELIGIBILITY PERIOD FOR A WIFE OR WIDOW, OR AN ELIGIBLE PERSON

Section 604 of Pub. L. 92–540, as amended by Pub. L. 93–337, § 3, July 10, 1974, 88 Stat. 292, provided that:

"(a) Notwithstanding the provisions of section 1712(b) of title 38, United States Code [subsec. (b) of this section], a wife or widow (1) eligible to pursue a program of education exclusively by correspondence by virtue of the provisions of section 1786 of such title (as added by section 316 of this Act) or (2) entitled to receive the benefits of subsection (a) of section 1733 of this title (as added by section 313 of this Act), shall have 10 years from the date of the enactment of this Act [Oct. 24, 1972] in which to complete such a program of education or receive such benefits.

"(b) Notwithstanding the provisions of section 1712(a) or 1712(b) of title 38, United States Code [subsec. (a) or (b) of this section], an eligible person, as defined in section 1701(a)(1) of such title, who is entitled to pursue a program of apprenticeship or other on-job training by virtue of the provisions of section 1787 of such title (as added by section 316 of this Act) shall have 10 years from the date of the enactment of this Act [Oct. 24, 1972] in which to complete such a program of training, except that an eligible person defined in section 1701(a)(1)(A) of such title may not be afforded educational assistance beyond his thirty-first birthday."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1701, 1765 of this title.

SUBCHAPTER III.—PROGRAM OF EDUCATION

§ 1720. Development of educational plan.

(a) Upon provisional approval of an application for educational assistance for a person eligible within the meaning of section 1701(a)(1)(A), the Administrator shall arrange for, and the eligible person shall take advantage of, educational or vocational counseling to assist the parent or guardian and the eligible person in selecting his educational, vocational, or professional objective and in developing his program of education. Such counseling shall not be required where the eligible person has been accepted for, or is pursuing, courses which lead to a standard college degree, at an approved institution. During, or after, such counseling, the parent or guardian shall prepare for the eligible person an educational plan which shall set forth the selected objective, the proposed program of education, a list of the educational institutions at which such program would be pursued, an esimate of the sum which would be required for tuition and fees in completion of such program, and such other information as the Administrator shall require. This educational plan shall be signed by the parent or guardian and shall become an integral

part of the application for educational assistance under this chapter.

* * * * *

(As amended Pub. L. 92–540, title III, § 310, Oct. 24, 1972, 86 Stat. 1083.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–540 added provision exempting the eligible person from counseling where such person has been accepted for, or is pursuing, courses which lead to a standard college degree at an approved institution.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1721, 1761 of this title.

§ 1722. Repealed. Pub. L. 92–540, title IV, § 402(2), Oct. 24, 1972, 86 Stat. 1090.

Section, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1196, related to change of program by the eligible person. See section 1791 of this title.

§ 1723. Disapproval of enrollment in certain courses.

(a) The Administrator shall not approve the enrollment of an eligible person in—

(1) any bartending course or personality development course;

(2) any sales or sales management course which does not provide specialized training within a specific vocational field, or in any other course with a vocational objective, unless the eligible person or the institution offering such course submits justification showing that at least one-half of the persons who completed such course over the preceding two-year period, and who are not unavailable for employment, have been employed in the occupational category for which the course was designed to provide training (but in computing the number of persons who completed such course over any such two-year period, there shall not be included the number of persons who completed such course with assistance under this title while serving on active duty); or

(3) any type of course which the Administrator finds to be avocational or recreational in character (or the advertising for which he finds contains significant avocational or recreational themes) unless the eligible person submits justification showing that the course will be a bona fide use in the pursuit of his present or contemplated business or occupation.

* * * * *

(c) The Administrator shall not approve the enrollment of an eligible person in any course to be pursued by correspondence (except as provided in section 1786 of this title), open circuit television (except as herein provided), or a radio, or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines (except as herein provided). The Administrator may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through the medium of open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance. The Administrator may approve the enrollment at an educational institution which is not located in a State or in the Republic of the Philippines if such program is pursued at an approved educational institution of higher learning. The Administrator in his discretion may deny or discontinue the educational assistance under this chapter of any eligible person in a foreign educational institution if he finds that such enrollment is not in the best interest of the eligible person or the Government.

(d) The Administrator shall not approve the enrollment of an eligible person in any course which is to be pursued as a part of his regular secondary school education (except as provided in section 1733 of this title), but this subsection shall not prevent the enrollment of an eligible person in a course not leading to a standard college degree if the Administrator finds that such person has ended his secondary school education (by completion or otherwise) and that such course is a specialized vocational course pursued for the purpose of qualifying in a bona fide vocational objective. (As amended Pub. L. 92–540, title III, § 311, Oct. 24, 1972, 86 Stat. 1083; Pub. L. 93–508, title II, § 207, Dec. 3, 1974, 88 Stat. 1583.)

AMENDMENTS

1974—Subsec. (a)(2). Pub. L. 93–508, § 207(1), substituted "or in any other course with a vocational objective, unless the" for "unless the", "who completed" for "completing", and ", and who are not unavailable for employment, have been employed in the occupational category for which the course was designed to provide training" for "have been employed in the sales or sales management field", and added parenthetical provisions relating to the exclusion of persons who completed the course with assistance under this title in the computation of the number of people who completed the course.

Subsec. (a)(3). Pub. L. 93–508, § 207(2), substituted "in character (or the advertising for which he finds contains significant avocational or recreational themes) unless the" for "in character unless the".

Subsec. (c). Pub. L. 93–508, § 207(3), substituted "an eligible person in any course to be" for "an eligible person in any course of institutional on-farm training, any course to be".

Subsec. (d). Pub. L. 93–508, § 207(4), substituted "course not leading to a standard college degree if the" for "course to be pursued below the college level if the".

1972—Subsec. (c). Pub. L. 92–540, § 311(1), struck out prohibition on approval by the Administrator of the enrollment of an eligible person in any course of apprentice or other training on the job, added provision authorizing approval of correspondence courses as provided in section 1786 of this title, and substituted provision relating to approval by the Administrator of enrollment at an educational institution not located in a State or the Republic of the Philippines and provision authorizing the Administrator to deny or discontinue assistance, for provisions setting forth the criteria for approval by the Administrator of enrollment in a foreign educational institution in the case of any eligible person.

Subsec. (d). Pub. L. 92–540, § 311(2), added "(except as provided in section 1733 of this title)" following "regular secondary school education".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

§ 1725. Repealed. Pub. L. 92–540, title IV, § 402(2), Oct. 24, 1972, 86 Stat. 1090.

Section, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1197, related to the period of operation for approval by the Administrator. See section 1789 of this title.

SUBCHAPTER IV.—PAYMENTS TO ELIGIBLE PERSONS

§ 1731. Educational assistance allowance.

(a) The Administrator shall, in accordance with the provisions of section 1780 of this title, pay to the parent or guardian of each eligible person who is pursuing a program of education under this chapter, and who applies therefor on behalf of such eligible person, an educational assistance allowance to meet, in part, the expenses of the eligible person's subsistence, tuition, fees, supplies, books, equipment, and other educational costs

(b) No educational assistance allowance shall be paid on behalf of an eligible person enrolled in a course in an educational institution which does not lead to a standard college degree for any period until the Administrator shall have received—

(1) from the eligible person a certification as to his actual attendance during such period; and

(2) from the educational institution, a certification, or an endorsement on the eligible person's certificate, that he was enrolled in and pursuing a course of education during such period.

(As amended Pub. L. 92–540, title III, § 312, Oct. 24, 1972, 86 Stat. 1083.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–540, § 312(1), added provision requiring the Administrator to pay in accordance with the provisions of section 1780 of this title.

Subsec. (b). Pub. L. 92–540, § 312 (2), (3), redesignated former subsec. (d) as (b). Former subsec. (b), which provided for the payment of the educational assistance allowance, pursuant to section 1732 of this title, to the eligible person only for a period of his enrollment as approved by the Administrator subject to certain limitations, was struck out.

Subsec. (c). Pub. L. 92–540, § 312(2), struck out subsec. (c), which authorized the Administrator, pursuant to regulations, to determine enrollment in, pursuit of, and attendance at, any program of education or course by an eligible person.

Subsec. (d). Pub. L. 92–540, § 312(3), redesignated former subsec. (d) as (b).

Subsec. (e). Pub. L. 92–540, § 312(2), struck out subsec. (e), which related to the prompt payment by the Administrator of the allowance to the eligible person.

§ 1732. Computation of educational assistance allowance.

(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate prescribed in section 1682(a)(1) of this title for full-time, three-quarter-time, or half-time pursuit, as appropriate, of an institutional program by an eligible veteran with no dependents.

(2) The educational assistance allowance on behalf of an eligible person pursuing a program of education on less than a half-time basis shall be computed at the rate prescribed in section 1682(b)(2) of this title for less-than-half-time pursuit of an institutional program by an eligible veteran.

(b) The educational assistance allowance to be paid on behalf of an eligible person who is pursuing a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion, shall be computed at the rate of $217 per month.

(c)(1) An eligible person who is enrolled in an educational institution for a "farm cooperative" program consisting of institutional agricultural courses prescheduled to fall within forty-four weeks of any period of twelve consecutive months and who pursues such program on—

(A) a full-time basis (a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period),

(B) a three-quarter-time basis (a minimum of seven clock hours per week), or

(C) a half-time basis (a minimum of five clock hours per week),

shall be eligible to receive an educational assistance allowance at the appropriate rate provided in paragraph (2) of this subsection, if such eligible person is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Administrator. In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the person is enrolled.

(2) The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing a farm cooperative program under this chapter shall be computed at the rate prescribed in section 1682(c)(2) of this title for full-time, three-quarter-time, or half-time pursuit, as appropriate, of a farm cooperative program by an eligible veteran with no dependents.

(d) If a program of education is purused by an eligible person at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such person under this section shall be paid at a rate in Philippine pesos equivalent to $0.50 for each dollar. (As amended Pub. L. 92–540, title I, § 103(1)–(3), Oct. 24, 1972, 86 Stat. 1075, 1076; Pub. L. 93–508, title I, § 103(1)–(3), title II, § 208, Dec. 3, 1974, 88 Stat. 1580, 1584; Pub. L. 93–602, title II, § 204(a), Jan. 2, 1975, 88 Stat. 1958.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 93–602 substituted "$217" for "$209".

1974—Subsec. (a)(1). Pub. L. 93–508, § 103(1), substituted "prescribed in section 1682(a)(1) of this title for full-time, three-quarter-time, or half-time pursuit, as appropriate, of an institutional program by an eligible veteran with no dependents" for "of (A) $220 per month if pursued on a full-time basis, (B) $165 per month if pursued on a three-quarter-time basis, and (C) $110 per month if pursued on a half-time basis".

Subsec. (a)(2). Pub. L. 93–508, § 103(2), substituted "prescribed in section 1682(b)(2) of this title for less-than-half-time pursuit of an institutional program by an eligible veteran" for "of (A) the established charges for tuition and fees which the institution requires other individuals enrolled in the same program to pay, or (B)

$220 per month for a full-time course whichever is the lesser".

Subsec. (b). Pub. L. 93–508, § 103(3), substituted "$209" for "$177".

Subsec. (c). Pub. L. 93–508, § 208, added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 93–508, § 208, redesignated former subsec. (c) as (d).

1972—Subsec. (a)(1). Pub. L. 92–540 § 103(1), substituted "$220" for "$175" in cl. (A), "$165" for "$128" in cl. (B), and "$110" for "$81" in cl. (C).

Subsec. (a)(2). Pub. L. 92–540, § 103(2), substituted "$220" for "$175".

Subsec. (b). Pub. L. 92–540, § 103(3), substituted "$177" for "$141".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–602 effective Jan. 1, 1975, see section 206 of Pub. L. 93–602, set out as a note under section 1504 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment of subsecs. (a) and (b) by Pub. L. 93–508 effective Sept. 1, 1974, see section 501 of Pub. L. 93–508, set out as a note under section 1501 of this title.

Amendment of subsecs. (c) and (d) by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–540 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92–540, set out as a note under section 1502 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1733, 1765, 1780 of this title.

§ 1733. Special assistance for the educationally disadvantaged.

(a) Any eligible wife or widow shall, without charge to any entitlement she may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1691 (if pursued in a State) of this title and be paid an educational assistance allowance under the provisions of section 1732(a) of this title.

(b) Any eligible person shall, without charge to any entitlement he may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1692 of this title. (Added Pub. L. 92–540, title III, § 313, Oct. 24, 1972, 86 Stat. 1084.)

CODIFICATION

A prior section 1733, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1198, as amended by Pub. L. 91–219, title II, § 206(b), Mar. 26, 1970, 84 Stat. 82; Pub. L. 91–584, § 12, Dec. 24, 1970, 84 Stat. 1577, related to the measurement of courses. See section 1788 of this title.

TERMINATION OF ELIGIBILITY PERIOD

Termination of eligibility period for a wife or widow, or an eligible person eight years from Oct. 24, 1972, see section 604 of Pub. L. 92–540, set out as a note under section 1712 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1723 of this title.

§ 1734. Apprenticeship or other on-job training; correspondence courses.

(a) Any eligible person shall be entitled to pursue, in a State, a program of apprenticeship or other on-job training and be paid a training assistance allowance as provided in section 1787 of this title.

(b) Any eligible wife or widow shall be entitled to pursue a program of education exclusively by correspondence and be paid an educational assistance allowance as provided in section 1786 of this title. (Added Pub. L. 92–540, title III, § 313, Oct. 24, 1972, 86 Stat. 1084.)

CODIFICATION

A prior section 1734, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1199, as amended by Pub. L. 89–358, § 4(m), Mar. 3, 1966, 80 Stat. 25, related to the overcharging of eligible persons by educational institutions. See section 1790 of this title.

§ 1735. Approval of courses.

An eligible person shall receive the benefits of this chapter while enrolled in a course of education offered by an educational institution only if such course (1) is approved in accordance with the provisions of subchapter I of chapter 36 of this title, or (2) is approved for enrollment of the particular individual under the provisions of section 1736 of this title. (As amended Pub. L. 92–540, title IV, § 402(4), Oct. 24, 1972, 86 Stat. 1090.)

AMENDMENTS

1972—Pub. L. 92–540 substituted reference to section 1736 of this title for reference to section 1737 of this title.

§ 1736. Specialized vocational training courses.

The Administrator may approve a specialized course of vocational training leading to a predetermined vocational objective for the enrollment of an eligible person under this subchapter if he finds that such course, either alone or when combined with other courses, constitutes a program of education which is suitable for that person and is required because of a mental or physical handicap. (Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1199, § 1737, formerly § 1736, amended Pub. L. 88–126, § 4, Sept. 23, 1963, 77 Stat. 162, and renumbered Pub. L. 92–540, title IV, § 402(3), Oct. 24, 1972, 86 Stat. 1090.)

CODIFICATION

A prior section 1736, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88–126, § 3, Sept. 23, 1963, 77 Stat. 162; Pub. L. 89–358, § 4(o), Mar. 3, 1966, 80 Stat. 25, which related to discontinuance of the educational assistance allowance by the Administrator, was repealed by Pub. L. 92–540, title IV, § 402(2), Oct. 24, 1972, 86 Stat. 1090. See section 1790(b) of this title.

AMENDMENTS

1963—Pub. L. 88–126 deleted "Notwithstanding the provisions of subsections (b) and (c) of section 1735 of this title" preceding "The Administrator may approve."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1712, 1735, 1772 of this title.

§ 1737. Education loans.

Any eligible persons shall be entitled to an education loan (if the program of education is pursued in a State) in such amount and on such terms and conditions as provided in sections 1798 and 1799 of this title. (Added Pub. L. 93–508, title III, § 303(a), Dec. 3, 1974, 88 Stat. 1591.)

EFFECTIVE DATE

Section effective on Jan. 1, 1975, except that eligible persons shall, upon application, be entitled to a loan under subchapter III of chapter 36 of this title, the terms of which take into account the full amount of the actual cost of attendance, as defined in section 1798(b)(2)(C) of this title, which such persons incurred for the academic year beginning on or about Sept. 1, 1974, see section 502 of Pub. L. 93–508, set out as a note under section 1501 of this title.

SUBCHAPTER V.—SPECIAL RESTORATIVE TRAINING

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1712, 1772 of this title.

§ 1742. Special training allowance.

(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on behalf of such person a special training allowance computed at the basic rate of $270 per month. If the charges for tuition and fees applicable to any such course are more than $85 per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed $85 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $9.02 that the special training allowance paid exceeds the basic monthly allowance.

* * * * *

(As amended Pub. L. 92–540, title I, § 103(4), Oct. 24, 1972, 86 Stat. 1076; Pub. L. 93–508, title I, § 103(4), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93–602, title II, § 204(b), Jan. 2, 1975, 88 Stat. 1958.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–602 substituted "$270", "$85", "$85", and "$9.02" for "$260", "$82", "$82", and "$8.69" respectively.

1974—Subsec. (a). Pub. L. 93–508 substituted "behalf of such person", "$260", "$82", "$82", and "$8.69" for "his behalf a", "$220", "$69", "$69", and "$7.35" respectively.

1972—Subsec. (a). Pub. L. 92–540 substituted "$220" for "$175", "$69" for "$55", and "$7.35" for "$6.80", respectively.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–602 effective Jan. 1, 1975, see section 206 of Pub. L. 93–602, set out as a note under section 1504 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Sept. 1, 1974, see section 501 of Pub. L. 93–508, set out as a note under section 1501 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–540 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92–540, set out as a note under section 1502 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1765 of this title.

SUBCHAPTER VII.—PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1770 of this title.

Chapter 36.—ADMINISTRATION OF EDUCATIONAL BENEFITS

SUBCHAPTER II.—MISCELLANEOUS PROVISIONS

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SUBCHAPTER III.—EDUCATION LOANS TO ELIGIBLE VETERANS AND ELIGIBLE PERSONS

1798. Eligibility for loans; amount and conditions of loans; interest rate on loans.
1799. Revolving fund; insurance.

AMENDMENTS

1974—Pub. L. 93–508, title II, § 212(b), title III, § 301(b), Dec. 3, 1974, 88 Stat. 1586, 1591, added subchapter III; heading and items 1796, 1798, and 1799.

1972—Pub. L. 92–540, title IV, § 406, Oct. 24, 1972, 86 Stat. 1091, redesignated former items 1788 to 1791 as items 1792 to 1795, added 1780 and 1788 to 1791, and substituted in item 1786 items "Correspondence courses" for "Examination of records" and in item 1787 "Apprenticeship or other on-job training" for "False or misleading statements".

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 243, 1502, 1661, 1662, 1701, 1781, 1784, 1795, 2013 of this title.

SUBCHAPTER I.—STATE APPROVING AGENCIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1683, 1735 of this title.

§ 1770. Scope of approval.

* * * * *

(b) Any course approved under chapter 33 of this title, prior to February 1, 1965, under subchapter VII of chapter 35 of this title, prior to the date of enactment of this chapter, and not disapproved under section 1683, section 1656 (as in effect prior to February 1, 1965), or section 1778 of this title, shall be deemed approved for the purposes of this chapter. (As amended Pub. L. 92–540, title IV, § 403(1). Oct. 24. 1972. 86 Stat. 1090.)

AMENDMENTS

1972—Subsec. (b). Pub. L. 92–540 substituted reference to section 1683 of this title for reference to section 1686 of this title.

§ 1771. Designation.

(a) Unless otherwise established by the law of the State concerned, the chief executive of each State is requested to create or designate a State department or agency as the "State approving agency" for his State for the purposes of this chapter and chapters 34 and 35 of this title.

* * * * *

(As amended Pub. L. 92–540, title IV, § 403(2), Oct. 24, 1972, 86 Stat. 1090.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–540 added reference to this chapter.

§ 1772. Approval of courses.

(a) An eligible person or veteran shall receive the benefits of this chapter and chapters 34 and 35 while enrolled in a course of education offered by an educational institution only if (1) such course is approved as provided in this chapter and chapters 34 and 35 by the State approving agency for the State where such educational institution is located, or by the Administrator, or (2) such course is approved (A) for the enrollment of the particular individual under the provisions of section 1736 of this title or (B) for special restorative training under subchapter V of chapter 35 of this title. Approval of courses by State approving agencies shall be in accordance with the provisions of this chapter and chapters 34 and 35 and such other regulations and policies as the State approving agency may adopt. Each State approving agency shall furnish the Administrator with a current list of educational institutions specifying courses which it has approved, and, in addition to such list, it shall furnish such other information to the Administrator as it and the Administrator may determine to be necessary to carry out the purposes of this chapter and chapters 34 and 35. Each State approving agency shall notify the Administrator of the disapproval of any course previously approved and shall set forth the reasons for such disapproval.

(b) The Administrator shall be responsible for the approval of courses of education offered by any agency of the Federal Government authorized under other laws to supervise such education. The Administrator may approve any course in any other educational institution in accordance with the provisions of this chapter and chapters 34 and 35.

(c) In the case of programs of apprenticeship where—

(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a "State approving agency" as such term is used in section 1787(a)(1) of this title and shall be responsible for the approval of all such programs. (As amended Pub. L. 92–540, title IV, § 403(3)–(5), Oct. 24, 1972, 86 Stat. 1090.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–540, § 403(3), (4), added references to this chapter wherever appearing therein and substituted reference to section 1736 of this title for reference to section 1737 of this title.

Subsec. (b). Pub. L. 92–540, § 403(3), added reference to this chapter.

Subsec. (c). Pub. L. 92–540, § 403(5), substituted reference to section 1787(a)(1) of this title for reference to section 1683(a)(1) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1771 of this title.

§ 1773. Cooperation.

(a) The Administrator and each State approving agency shall take cognizance of the fact that definite duties, functions, and responsibilities are conferred upon the Administrator and each State approving agency under the educational programs established under this chapter and chapters 34 and 35. To assure that such programs are effectively and efficiently administered, the cooperation of the Administrator and the State approving agencies is essential. It is necessary to establish an exchange of information pertaining to activities of educational institutions, and particular attention should be given to the enforcement of approval standards, enforcement of enrollment restrictions, and fraudulent and other criminal activities on the part of persons connected with educational institutions in which eligible persons or veterans are enrolled under this chapter and chapters 34 and 35.

* * * * *

(As amended Pub. L. 92–540, title IV, § 403(6), Oct. 24, 1972, 86 Stat. 1090.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–540 added references to this chapter wherever appearing therein.

§ 1774. Reimbursement of expenses.

(a) The Administrator is authorized to enter into contracts or agreements with State and local agencies to pay such State and local agencies for reasonable and necessary expenses of salary and travel incurred by employees of such agencies and an allowance for administrative expenses in accordance with the formula contained in subsection (b) of this section in (1) rendering necessary services in ascertaining the qualifications of educational institutions for furnishing courses of education to eligible persons or veterans under this chapter and chapters 34 and 35, and in the supervision of such educational institutions, and (2) furnishing, at the request of the Administrator, any other services in connection with chapters 34 and 35. Each such contract or agreement shall be conditioned upon compliance with the standards and provisions of chapters 34 and 35.

(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

Total salary cost reimbursable under this section	Allowable for administrative expense.
$5,000 or less	$550.
Over $5,000 but not exceeding $10,000	$1,000.
Over $10,000 but not exceeding $35,000	$1,000 for the first $10,000 plus $925 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000	$6,050.
Over $40,000 but not exceeding $75,000	$6,050 for the first $40,000 plus $800 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000	$12,000.
Over $80,000	$12,000 for the first $80,000 plus $700 for each additional $5,000 or fraction thereof.

(As amended Pub. L. 92–540, title IV, §§ 403(7), 411, Oct. 24, 1972, 86 Stat. 1090, 1092; Pub. L. 93–508, title II, § 210(1), Dec. 3, 1974, 88 Stat. 1584.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–508 increased the allowance for administrative expenses from "$500" to "$550"; "$900" to "$1,000"; "$900 for the first $10,000 plus $800 for each additional $5,000 or fraction thereof" to "$1,000 for the first $10,000 plus $925 for each additional $5,000 or fraction thereof"; "$5,250" to "$6,050"; "$5,250 for the first $40,000 plus $700 for each additional $5,000 or fraction thereof" to "$6,050 for the first $40,000 plus $800 for each additional $5,000 or fraction thereof"; "$10,450" to "$12,000"; and "$10,450 for the first $80,000 plus $600 for each additional $5,000 or fraction thereof" to "$12,000 for the first $80,000 plus $700 for each additional $5,000 or fraction thereof".

1972—Subsec. (a). Pub. L. 92–540, § 403(7), added reference to this chapter in cl. (1).

Subsec. (b). Pub. L. 92–540, § 411, provided for the recomputation of the formula for reimbursement of expenses by doubling the amounts paid as the allowance for administrative expenses.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1783 of this title.

§ 1776. Approval of nonaccredited courses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1786 of this title.

§ 1777. Approval of training on the job.

* * * * *

(b) The training establishment offering training which is desired to be approved for the purposes of this chapter must submit to the appropriate State approving agency a written application for approval which, in addition to furnishing such information as is required by the State approving agency, contains a certification that—

(1) the wages to be paid the eligible veteran or person (A) upon entrance into training, are not less than wages paid nonveterans in the same training position and are at least 50 per centum of the wages paid for the job for which he is to be trained, and (B) such wages will be increased in regular periodic increments until, not later than the last full month of the training period, they will be at least 85 per centum of the wages paid for the job for which such eligible veteran or person is being trained; and

(2) there is reasonable certainty that the job for which the eligible veteran or person is to be trained will be available to him at the end of the training period.

(c) As a condition for approving a program of training on the job (other than a program of apprenticeship) the State approving agency must find upon investigation that the following criteria are met:

(1) The training content of the course is adequate to qualify the eligible veteran or person for appointment to the job for which he is to be trained.

(2) The job customarily requires full-time training for a period of not less than six months and not more than two years.

(3) The length of the training period is not longer than that customarily required by the training establishments in the community to provide an eligible veteran or person with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the eligible veteran or person will need to learn in order to become competent on the job for which he is being trained.

(4) Provision is made for related instruction for the individual eligible veteran or person who may need it.

(5) There is in the training establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

(6) Adequate records are kept to show the progress made by each eligible veteran or person toward his job objective.

(7) No course of training will be considered bona fide if given to an eligible veteran or person who is already qualified by training and experience for the job.

(8) A signed copy of the training agreement for each eligible veteran or person, including the training program and wage scale as approved by the State approving agency, is provided to the veteran or person and to the Administrator and the State approving agency by the employer.

(9) That the course meets such other criteria as may be established by the State approving agency.

(As amended Pub. L. 92–540, title III, § 314, Oct. 24, 1972, 86 Stat. 1084.)

AMENDMENTS

1972—Subsecs. (b), (c). Pub. L. 92–540 inserted "or person" following "veteran" wherever appearing therein.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1787 of this title.

§ 1778. Notice and approval of courses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1770 of this title.

SUBCHAPTER II.—MISCELLANEOUS PROVISIONS

§ 1780. Payment of educational assistance or subsistence allowances.

Period for Which Payment May Be Made

(a) Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence or a program of flight training, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 1504, 1682, 1691, or 1732 of this title. Such payments shall be paid only for the period of such veterans' or persons' enrollment, but no amount shall be paid—

(1) to any eligible veteran or eligible person enrolled in a course which leads to a standard college degree for any period when such veteran or person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter or of chapter 34 or 35 of this title; or

(2) to any eligible veteran or eligible person enrolled in a course which does not lead to a standard college degree (excluding programs of apprenticeship and programs of other on-job training authorized by section 1787 of this title) for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays (or customary vacation periods connected therewith) established by Federal or State law (or in the case of the Republic of the Philippines, Philippine law) during which the institution is not regularly in session.

Notwithstanding the foregoing, the Administrator may, subject to such regulations as he shall prescribe, continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in clause (1) or (2) of this subsection during periods when the schools are temporarily closed under an established policy based upon an Executive order of the President or due to an emergency situation, and such periods shall not be counted as absences for the purposes of clause (2).

Correspondence Training Certifications

(b) No educational assistance allowance shall be paid to an eligible veteran or wife or widow enrolled in and pursuing a program of education exclusively by correspondence until the Administrator shall have received—

(1) from the eligible veteran or wife or widow a certificate as to the number of lessons actually completed by the veteran or wife or widow and serviced by the educational institution; and

(2) from the training establishment a certification or an endorsement on the veteran's or wife's or widow's certificate, as to the number of lessons completed by the veteran or wife or widow any serviced by the institution.

Apprenticeship and Other On-Job Training

(c) No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprenticeship or other on-job training until the Administrator shall have received—

(1) from such veteran or person a certification as to his actual attendance during such period; and

(2) from the training establishment a certification, or an endorsement on the veteran's or person's certificate, that such veteran or person was enrolled in and pursuing a program of apprenticeship or other on-job training during such period.

Advance Payment of Initial Educational Assistance or Subsistance Allowance

(d)(1) The educational assistance or subsistance allowance advance payment provided for in this subsection is based upon a finding by the Congress that eligible veterans and eligible persons need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits, and payment for living quarters, the initial installment of tuition, and the other special expenses which are concentrated at the beginning of a school term.

(2) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, an eligible veteran or eligible person shall be paid an educational assistance allowance or subsistence allowance, as appropriate, advance payment. Such advance payment shall be made in an amount equivalent to the allowance for the month or fraction thereof in which pursuit of the program will commence, plus the allowance for the succeeding month. In the case of a serviceman on active duty, who is pursuing a program of education (other than under subchapter VI of chapter 34), the advance payment shall be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. In no event shall an advance payment be made under this subsection to a veteran or person intending to pursue a program of education on less than a half-time basis. The application for advance payment, to be made on a form prescribed by the Administrator, shall—

(A) in the case of an initial enrollment of a veteran or person in an educational institution, contain information showing that the veteran or person (i) is eligible for educational benefits, (ii) has been accepted by the institution, and (iii) has notified the institution of his intention to attend that institution; and

(B) in the case of a re-enrollment of a veteran or person, contain information showing that the veteran or person (i) is eligible to continue his program of education or training and (ii) intends to re-enroll in the same institution,

and, in either case, shall also state the number of semester or clock-hours to be pursued by such veteran or person.

(3) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, a person eligible for education or training under the provisions of subchapter VI of chapter 34 of this title shall be entitled to a lump-sum educational assistance allowance advance payment. Such advance payment shall in no event be made earlier than thirty days prior to the date on which pursuit of the person's program of education or training is to commence. The application for the advance payment, to be made on a form prescribed by the Administrator, shall, in addition to the information prescribed in paragraph (2)(A), specify—

(A) that the program to be pursued has been approved;

(B) the anticipated cost and the number of Carnegie, clock, or semester hours to be pursued; and

(C) where the program to be pursued is other than a high school credit course, the need of the person to pursue the course or courses to be taken.

(4) For purposes of the Administrator's determination whether any veteran or person is eligible for an advance payment under this section, the information submitted by the institution, the veteran or person, shall establish his eligibility unless there is evidence in his file in the processing office establishing that he is not eligible for such advance payment.

(5) The advance payment authorized by paragraphs (2) and (3) of this subsection shall, in the

case of an eligible veteran or eligible person, be (A) drawn in favor of the veteran or person; (B) mailed to the educational institution listed on the application form for temporary care and delivery to the veteran or person by such institution; and (C) delivered to the veteran or person upon his registration at such institution, but in no event shall such delivery be made earlier than thirty days before the program of education is to commence.

(6) Upon delivery of the advance payment pursuant to paragraph (5) of this subsection, the institution shall submit to the Administrator a certification of such delivery. If such delivery is not effected within thirty days after commencement of the program of education in question, such institution shall return such payment to the Administrator forthwith.

Prepayment of Subsequent Educational Assistance or Subsistence Allowance

(e) Except as provided in subsection (g) of this section, subsequent payments of educational assistance or subsistence allowance to an eligible veteran or eligible person shall be prepaid each month, subject to such reports and proof of enrollment in and satisfactory pursuit of such programs as the Administrator may require. The Administrator may withhold the final payment for a period of enrollment until such proof is received and the amount of the final payment appropriately adjusted.

Recovery of Erroneous Payments

(f) If an eligible veteran or eligible person, fails to enroll in or pursue a course for which an educational assistance or subsistence allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are due to erroneous information required to be furnished under subsection (d)(2) and (3) of this section, shall become an overpayment and shall constitute a liability of such veteran or person to the United States and may be recovered unless waived pursuant to section 3102 of this title, from any benefit otherwise due him under any law administered by the Veterans' Administration or may be recovered in the same manner as any other debt due the United States.

Payments for Less Than Half-Time Training

(g) Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis (except as provided by subsection (d)(3) of this section) shall be made in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program at such institution. Such lump sum payment shall be computed at the rate provided in section 1682(b) or 1732(a)(2) of this title, as applicable.

Determination of Enrollment, Pursuit, and Attendance

(h) The Administrator may, pursuant to regulations which he shall prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or training or course by an eligible veteran or eligible person for any period for which he receives an educational assistance or subsistence allowance under this chapter for pursuing such program or course. (Added Pub. L. 92–540, title II, § 201, Oct. 24, 1972, 86 Stat. 1076, and amended Pub. L. 93–208, Dec. 28, 1973, 87 Stat. 907; Pub. L. 93–508, title II, § 209, Dec. 3, 1974, 88 Stat. 1584.)

AMENDMENTS

1974—Subsec. (a)(2). Pub. L. 93–508 substituted "legal holidays (or customary vacation periods connected therewith)" for "legal holidays".

1973—Subsec. (a). Pub. L. 93–208 added provisions that the Administrator may continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in cl. (1) or (2) of this subsection during periods when the schools are temporarily closed under an established policy based upon an Executive Order of the President or due to an emergency situation, and that such periods shall not be counted as absences for the purposes of cl. (2).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

EFFECTIVE DATE

Section 603 of Pub. L. 92–540 provided that:

"(a) The prepayment provisions of subsection (e) of section 1780 of title 38, United States Code (as added by section 201 of this Act) [subsec. (e) of this section], shall become effective on November 1, 1972.

"(b) The advance payment provisions of section 1780 of title 38, United States Code (as added by section 201 of this Act) [this section], shall become effective on August 1, 1973, or at such time prior thereto as the Administrator of Veterans' Affairs shall specify in a certification filed with the Committees on Veterans' Affairs of the Congress."

STUDY OF TUITION ASSISTANCE ALLOWANCE PROGRAM ABUSES; REPORT TO CONGRESS AND PRESIDENT

Section 105 of Pub. L. 93–508, effective Sept. 1, 1974, provided that:

"(a) The Administrator shall carry out directly a thorough study and investigation of the administrative difficulties and opportunities or abuse that would be occasioned by enactment of some form of variable tuition assistance allowance program, with reference to such difficulties and abuses experienced by the Veterans' Administration after the end of World War II in carrying out the provisions of Veterans' Regulation Numbered 1(a), relating to the payment of tuition and related expenses for veterans of World War II pursuing a program of education or training under the Servicemen's Readjustment Act of 1944 [section 1801 et seq. of this title], and to any such difficulties and abuses presently being experienced by the Veterans' Administration in carrying out existing tuition assistance programs under title 38, United States Code, including chapter 31 vocational rehabilitation, correspondence courses, flight training and PREP, and of ways in which any such difficulties and abuses could be avoided or minimized through legislative of administrative action so as to ensure an expeditious, orderly, and effective implementation of any tuition assistance allowance program.

"(b) In carrying out the study and investigation required by subsection (a) [of this section], the Administrator shall consult with and solicit the views and suggestions of interested veterans' organizations, educational groups and associations, persons receiving assistance under chapters 31, 34, 35 and 36 of title 38, United States Code, other Federal departments and agencies, and other interested parties.

"(c) The Administrator shall report to the Congress and the President not later than one year after the date of enactment of this Act [Dec. 3, 1974] on the results of the study and investigation carried out under this section,

including any recommendations for legislative or administrative action."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1502, 1681, 1731, 1784, 1790 of this title.

§ 1781. Limitations on educational assistance.

No educational assistance allowance granted under chapter 34, 35, or 36 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training. (As amended Pub. L. 92–540, title IV, § 403(8), Oct. 24, 1972, 86 Stat. 1090.)

AMENDMENTS

1972—Pub. L. 92–540 substituted "granted under chapter 34, 35, or 36" for "or special training allowance granted under chapter 34 or 35".

§ 1782. Control by agencies of the United States.

No department, agency, or officer of the United States, in carrying out this chapter, shall exercise any supervision or control, whatsoever, over any State approving agency, or State educational agency, or any educational institution. Nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized by law to exercise over any Federal educational institution or to prevent the furnishing of education under this chapter or chapter 34 or 35 of this title in any institution over which supervision or control is exercised by such other department, agency, or officer under authority of law. (As amended Pub. L. 92–540, title IV, § 403(9), Oct. 24, 1972, 86 Stat. 1090.)

AMENDMENTS

1972—Pub. L. 92–540 added reference to this chapter.

§ 1783. Conflicting interests.

(a) Every officer or employee of the Veterans' Administration who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible person or veteran was pursuing a program of education or course under this chapter or chapter 34 or 35 shall be immediately dismissed from his office or employment.

(b) If the Administrator finds that any person who is an officer or employee of a State approving agency has, while he was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, an educational institution operated for profit in which an eligible person or veteran was pursuing a program of education or course under this chapter or chapter 34 or 35 of this title, he shall discontinue making payments under section 1774 of this title to such State approving agency unless such agency shall, without delay, take such steps as may be necessary to terminate the employment of such person and such payments shall not be resumed while such person is an officer or employee of the State approving agency, or State department of veterans' affairs or State department of education.

* * * * *

(As amended Pub. L. 92–540, title IV, § 403(10), Oct. 24, 1972, 86 Stat. 1090.)

AMENDMENTS

1972—Subsecs. (a), (b). Pub. L. 92–540 added references to this chapter wherever appearing therein.

§ 1784. Reports by institutions; reporting fee.

(a) Educational institutions shall, without delay, report to the Administrator in the form prescribed by him, the enrollment, interruption, and termination of the education of each eligible person or veteran enrolled therein under chapter 34, 35, or 36.

(b) The Administrator may pay to any educational institution, or to any joint apprenticeship training committee acting as a training establishment, furnishing education or training under either this chapter or chapter 34 or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or joint apprenticeship training committee is required to submit to him by law or regulation. Such reporting fee shall be computed for each calendar year by multiplying $3 by the number of eligible veterans or eligible persons enrolled under this chapter or chapter 34 or 35 of this title, or $4 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title, on October 31 of that year; except that the Administrator may, where it is established by such educational institution or joint apprenticeship training committee that eligible veteran plus eligible person enrollment on such date varies more than 15 per centum from the peak eligible veteran enrollment plus eligible person enrollment in such educational institution or joint apprenticeship training committee during such calendar year, establish such other date as representative of the peak enrollment as may be justified for such educational institution or joint apprenticeship training committee. The reporting fee shall be paid to such educational institution or joint apprenticeship training committee as soon as feasible after the end of the calendar year for which it is applicable. (As amended Pub. L. 92–540, title III, § 315, Oct. 24, 1972, 86 Stat. 1084; Pub. L. 93–508, title II, § 210(2), Dec. 3, 1974, 88 Stat. 1585.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–508 extended the payment of reporting fee to educational institutions under this chapter and to joint apprenticeship training committees acting as training establishments, and in provisions relating to computation of such fee, substituted reference to this chapter for reference to chapter 36 of this title.

1972—Subsec. (a). Pub. L. 92–540, § 315(1), added reference to chapter 36 of this title.

Subsec. (b). Pub. L. 92–540, § 315(1), (2), (3), added reference to chapter 36 of this title, and substituted provisions relating to the computation of the reporting fee

based on the number of eligible veterans or eligible persons enrolled under chapter 34, 35, or 36 of this title, or based on eligible veterans and eligible persons whose educational assistance checks are directed in care of such institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title, for provisions relating to the computation of such fee based on eligible veterans enrolled under chapter 34 of this title, plus the number of eligible persons enrolled under chapter 35 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

§ 1785. Overpayments to eligible persons or veterans.

Whenever the Administrator finds that an overpayment has been made to an eligible person or veteran as the result of (1) the willful or negligent failure of an educational institution to report, as required by this chapter or chapter 34 or 35 of this title and applicable regulations, to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the eligible person or veteran, or (2) false certification by an educational institution, the amount of such overpayment shall constitute a liability of such institution, and may be recovered in the same manner as any other debt due the United States. Any amount so collected shall be reimbursed if the overpayment is recovered from the eligible person or veteran. This section shall not preclude the imposition of any civil or criminal liability under this or any other law. (As amended Pub. L. 92–540, title IV, § 403(11), Oct. 24, 1972, 86 Stat. 1090.)

AMENDMENTS

1972—Pub. L. 92–540 added reference to this chapter.

§ 1786. Correspondence courses.

(a)(1) Each eligible veteran (as defined in section 1652(a)(1) and (2) of this title) and each eligible wife or widow (as defined in section 1701(a)(1)(B), (C), or (D) of this title) who enters into an enrollment agreement to pursue a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 90 per centum of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran or wife or widow. The term "established charge" as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the veteran or wife or widow, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran or wife or widow and serviced by the institution.

(2) The period of entitlement of any veteran or wife or widow who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $270 which is paid to the veteran or wife or widow as an educational assistance allowance for such course.

(b) The enrollment agreement shall fully disclose the obligation of both the institution and the veteran or wife or widow and shall prominently display the provisions for affirmance, termination, refunds, and the conditions under which payment of the allowance is made by the Administrator to the veteran or wife or widow. A copy of the enrollment agreement shall be furnished to each such veteran or wife or widow at the time such veteran or wife or widow signs such agreement. No such agreement shall be effective unless such veteran or wife or widow shall, after the expiration of ten days after the enrollment agreement is signed, have signed and submitted to the Administrator a written statement, with a signed copy to the institution, specifically affirming the enrollment agreement. In the event the veteran or wife or widow at any time notifies the institution of his intention not to affirm the agreement in accordance with the preceding sentence, the institution, without imposing any penalty or charging any fee shall promptly make a full refund of all amounts paid.

(c) In the event a veteran or wife or widow elects to terminate his enrollment under an affirmed enrollment agreement, the institution (other than one subject to the provisions of section 1776 of this title) may charge the veteran or wife or widow a registration or similar fee not in excess of 10 per centum of the tuition for the course, or $50, whichever is less. Where the veteran or wife or widow elects to terminate the agreement after completion of one or more but less than 25 per centum of the total number of lessons comprising the course, the institution may retain such registration or similar fee plus 25 per centum of the tuition for the course. Where the veteran or wife or widow elects to terminate the agreement after completion of 25 per centum but less than 50 per centum of the lessons comprising the course, the institution may retain the full registration or similar fee plus 50 per centum of the course tuition. If 50 per centum or more of the lessons are completed, no refund of tuition is required. (Added Pub. L. 92–540, title III, § 316(1), Oct. 24, 1972, 86 Stat. 1084, and amended Pub. L. 93–508, title I, § 104(1), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93–602, title II, § 205(a), Jan. 2, 1975, 88 Stat. 1958.)

CODIFICATION

A prior section 1786, added Pub. L. 89–358, § 3(b), Mar. 3, 1966, 80 Stat. 23, related to the examination of records. See section 1790(c) of this title.

AMENDMENTS

1975—Subsec. (a)(2). Pub. L. 93–602 substituted "$270" for "$260".

1974—Subsec. (a)(2). Pub. L. 93–508 substituted "$260" for "220".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–602 effective Jan. 1, 1975, see section 206 of Pub. L. 93–602, set out as a note under section 1504 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Sept. 1, 1974, see section 501 of Pub. L. 93–508, set out as a note under section 1501 of this title.

EFFECTIVE DATE

Section 602 of Pub. L. 92–540 provided that:

"(a) The provisions of section 1786 of title 38, United States Code (as added by section 316 of this Act) [this section], which apply to programs of education exclusively by correspondence, shall, as to those wives and widows

made eligible for such training by that section, become effective January 1, 1973, and, as to eligible veterans, shall apply only to those enrollment agreements which are entered into on or after January 1, 1973.

"(b) Notwithstanding the provisions of subsection (a) of this section, any enrollment agreement entered into by an eligible veteran prior to January 1, 1973, shall continue to be subject to the provisions of section 1682(c) of title 38, United States Code, prior to its repeal by section 303 of this Act [former subsec. (c) of section 1682 of this title]."

TERMINATION OF ELIGIBILITY PERIOD

Termination of eligibility period for a wife or widow, or an eligible person eight years from Oct. 24, 1972, see section 604 of Pub. L. 92–540, set out as a note under section 1712 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1684, 1723, 1734 of this title.

§ 1787. Apprenticeship or other on-job training.

(a) An eligible veteran (as defined in section 1652(a)(1) of this title) or an eligible person (as defined in section 1701(a) of this title) shall be paid a training assistance allowance as prescribed by subsection (b) of this section while pursuing a full-time—

(1) program of apprenticeship approved by a State approving agency as meeting the standards of apprenticeship published by the Secretary of Labor pursuant to section 50a of title 29, or

(2) program of other on-job training approved under provisions of section 1777 of this title,

subject to the conditions and limitations of chapters 34 and 35 with respect to educational assistance.

(b)(1) The monthly training assistance allowance of an eligible veteran pursuing a program described under subsection (a) shall be as follows:

Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$196	$220	$240	$10
Second 6 months	147	171	191	10
Third 6 months	98	122	142	10
Fourth and any succeeding 6-month periods	49	73	93	10

(2) The monthly training assistance allowance of an eligible person pursuing a program described under subsection (a) shall be computed at the rate prescribed in paragraph (1) of this subsection for an eligible veteran with no dependents pursuing such a course.

(3) In any month in which an eligible veteran or person pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b) (1) or (2) of this section, as applicable, shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours.

(c) For the purpose of this chapter, the terms "program of apprenticeship" and "program of other on-job training" shall have the same meaning as "program of education"; and the term "training assistance allowance" shall have the same meaning as "educational assistance allowance" as set forth in chapters 34 and 35 of this title. (Added Pub. L. 92–540, title III, § 316(1), Oct. 24, 1972, 86 Stat. 1084, and amended Pub. L. 93–508, title I, § 104(2), (3), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93–602, title II, § 205(b), Jan. 2, 1975, 88 Stat. 1959.)

CODIFICATION

A prior section 1787, added Pub. L. 89–358, § 3(b), Mar. 3, 1966, 80 Stat. 23, related to the submission of false or misleading statements by educational institutions, persons or veterans. See section 1790(d) of this title.

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1683, as added by Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186, and amended Pub. L. 91–219, title I, § 103(e), Mar. 26, 1970, 84 Stat. 77; Pub. L. 91–584, § 7, Dec. 24, 1970, 84 Stat. 1576, prior to repeal by section 401(6) of Pub. L. 92–540.

AMENDMENTS

1975—Subsec. (b)(1). Pub. L. 93–602 increased the monthly training assistance allowance of eligible veterans in column II from "$189", "$142", "$95", and "$47" to "$196", "$147", "$98", and "$49"; in column III from "$212", "$164", "$117", "$70" to "$220", "$171", "$122", and "$73"; in column IV from "$232", "$184", "$137", and "$90" to "$240", "$191", "$142", and "$93"; and in column V from "$9", "$9", "$9", and "$9" to "$10", "$10", "$10", and "$10" respectively.

1974—Subsec. (b)(1). Pub. L. 93–508, § 104(2), increased the monthly training assistance allowance of eligible veterans in column II from "$160, $120, $80, and $40" to "$189, $142, $95, and $47"; in column III from "$179, $139, $99, and $59" to "$212, $164, $117, and $70"; in column IV from "$196, $156, $116, and $76" to "$232, $184, $137, and $90"; and in column V from "$8, $8, $8, and $8" to "$9, $9, $9, and $9" respectively.

Subsec. (b)(2). Pub. L. 93–508, § 104(3), substituted "computed at the rate prescribed in paragraph (1) of this subsection for an eligible veteran with no dependents pursuing such a course" for "(A) $160 during the first six-month period, (B) $120 during the second six-month period, (C) $80 during the third six-month period, and (D) $40 during the fourth and any succeeding six-month period".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–602 effective Jan. 1, 1975, see section 206 of Pub. L. 93–602, set out as a note under section 1504 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Sept. 1, 1974, see section 501 of Pub. L. 93–508, set out as a note under section 1501 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92–540, set out as a note under section 1502 of this title.

TERMINATION OF ELIGIBILITY PERIOD

Termination of eligibility period for a wife or widow, or an eligible person eight years from Oct. 24, 1972, see section 604 of Pub. L. 92–540, set out as a note under section 1712 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1684, 1734, 1772, 1780 of this title.

§ 1788. Measurement of courses.

(a) For the purposes of this chapter and chapters 34 and 35 of this title—

(1) an institutional trade or technical course offered on a clock-hour basis, not leading to a standard college degree, involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed;

(2) an institutional course offered on a clock-hour basis, not leading to a standard college degree, in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required;

(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when (A) a minimum of four units per year is required or (B) an individual is pursuing a program of education leading to an accredited high school diploma at a rate which, if continued, would result in receipt of such a diploma in four ordinary school years. For the purpose of subclause (A) of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year;

(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof (including such hours for which no credit is granted but which are required to be taken to correct an educational deficiency and which the educational institution considers to be quarter or semester hours for other administrative purposes), for which credit is granted toward a standard college degree, is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course;

(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran or person is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining; and

(6) an institutional course offered as part of a program of education, not leading to a standard college degree, under section 1691(a)(2) or 1696(a)(2) of this title shall be considered a full-time course on the basis of measurement criteria provided in clause (2), (3), or (4) as determined by the educational institution.

Notwithstanding the provisions of clause (1) or (2) of this subsection, an educational institution offering courses not leading to a standard college degree may measure such courses on a quarter- or semester-hour basis (with full time measured on the same basis as provided by clause (4) of this subsection); but (A) the academic portions of such courses must require outside preparation and be measured on not less than one quarter or one semester hour for each fifty minutes net of instruction per week or quarter or semester; (B) the laboratory portions of such courses must be measured on not less than one quarter or one semester hour for each two hours of attendance per week per quarter or semester; and (C) the shop portions of such courses must be measured on not less than one quarter or one semester hour for each three hours of attendance per week per quarter or semester. In no event shall such course be considered a full-time course when less than twenty-two hours per week of attendance is required.

(b) The Administrator shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter or chapter 34 or 35 of this title. (Added Pub. L. 92–540, title III, § 316(2), Oct. 24, 1972, 86 Stat. 1086, and amended Pub. L. 93–508, title II, § 211, Dec. 3, 1974, 88 Stat. 1585.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1684, as added by Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 18, § 1683, renumbered Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186, and amended Pub. L. 91–219, title II, § 206(a), Mar. 26, 1970, 84 Stat. 81; Pub. L. 91–584, §§ 8, 11, Dec. 24, 1970, 84 Stat. 1577; and former section 1733, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1198; Pub. L. 91–219, title II, § 206(b), Mar. 26, 1970, 84 Stat. 82; Pub. L. 91–584, § 12, Dec. 24, 1970, 84 Stat. 1577, prior to the general revision by Pub. L. 92–540.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–508 in cl. (1) substituted "basis, not leading to a standard college degree, involving" for "basis below the college level involving"; in cl. (2) substituted "basis, not leading to a standard college degree, in which" for "basis below the college level in which"; in cl. (6) susbtituted "not leading to a standard college degree" for "below the college level"; and following cl. (6), added provisions that notwithstanding cls. (1) and (2) of this subsection, an educational institution offering courses not leading to a standard college degree may measure such courses on a quarter- or semester-hour basis with special requirements for the academic, laboratory, and shop portions of such courses, and that in

no event such course be considered a full-time course unless twenty-two hours per week of attendance is required.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2014 of this title.

§ 1789. Period of operation for approval.

(a) The Administrator shall not approve the enrollment of an eligible veteran or eligible person in any course offered by an educational institution when such course has been in operation for less than two years.

(b) Subsection (a) shall not apply to—

(1) any course to be pursued in a public or other tax-supported educational institution;

(2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution;

(3) any course which has been offered by an institution for a period of more than two years, notwithstanding the institution has moved to another location within the same general locality, or has made a complete move with substantially the same faculty, curricula, and students, without change in ownership;

(4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree; or

(5) any course offered by a proprietary nonprofit educational institution which qualifies to carry out an approved program of education under the provisions of subchapter V or VI of chapter 34 of this title (including those courses offered at other than the institution's principal location) if the institution offering such course has been in operation for more than two years.

(Added Pub. L. 92–540, title III, § 316(2), Oct. 24, 1972, 86 Stat. 1087.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1675, as added by Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 16; and former section 1725. Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1197, prior to repeal by sections 401(6) and 402(2) of Pub. L. 92–540, respectively.

§ 1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements.

Overcharges by Educational Institutions

(a) If the Administrator finds that an educational institution has—

(1) charged or received from any eligible veteran or eligible person pursuing a program of education under this chapter or chapter 34 or 35 of this title any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced nonveterans not receiving assistance under such chapters who are enrolled in the same course to pay, or

(2) instituted, after the effective date of section 1780 of this title, a policy or practice with respect to the payment of tuition, fees, or other charges in the case of eligible veterans and the Administrator finds that the effect of such policy or practice substantially denies to veterans the benefits of the advance and prepayment allowances under such section,

he may disapprove such educational institution for the enrollment of any eligible veteran or eligible person not already enrolled therein under this chapter or chapter 31, 34, or 35, of this title.

Discontinuance of Allowances

(b) The Administrator may discontinue the educational assistance allowance of any eligible veteran or eligible person if he finds that the program of education or any course in which the veteran or person is enrolled fails to meet any of the requirements of this chapter or chapter 34 or 35 of this title, or if he finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 34 or 35, or fails to meet any of the requirements of such chapters.

Examination of Records

(c) The records and accounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under this chapter or chapters 31, 34, or 35 of this title shall be available for examination by duly authorized representatives of the Government.

False or Misleading Statements

(d) Whenever the Administrator finds that an educational institution has willfully submitted a false or misleading claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action. (Added Pub. L. 92–540, title III, § 316(2), Oct. 24, 1972, 86 Stat. 1088.)

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) were contained in former section 1685, as added by Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 19, § 1684, renumbered Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186, and former section 1734, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 89–358, § 4(m), Mar. 3, 1966, 80 Stat. 25; provisions similar to those comprisiug subsec. (b) were contained in former section 1687, as added by Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat 19, § 1686, renumbered Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186; and former section 1736, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88–126, § 2, Sept. 23, 1963, 77 Stat. 162; Pub. L. 89–358, § 4(o), Mar. 3, 1966, 80 Stat. 25; provisions similar to those comprising subsec. (c) were contained in former section 1786, as added by Pub. L. 89–358, § 3(b), Mar. 3, 1966, 80 Stat. 23; and provisions similar to those comprising subsec. (d) were contained in former section 1787, as added by Pub. L. 89–358, § 3(b), Mar. 3, 1966, 80 Stat. 23; prior to the general revision by Pub. L. 92–540.

§ 1791. Change of program.

(a) Except as provided in subsections (b) and (c) of this section, each eligible veteran and eligible

person may make not more than one change of program of education, but an eligible veteran or eligible person whose program has been interrupted or discontinued due to his own misconduct, his own neglect, or his own lack of application shall not be entitled to any such change.

(b) The Administrator may approve one additional change (or an initial change in the case of a veteran or person not eligible to make a change under subsection (a)) in program if he finds that—

(1) the program of education which the eligible veteran or eligible person proposes to pursue is suitable to his aptitudes, interests, and abilities; and

(2) in any instance where the eligible veteran or eligible person has interrupted, or failed to progress in, his program due to his own misconduct, his own neglect, or his own lack of application, there exists a reasonable likelihood with respect to the program which the eligible veteran or eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

(c) The Administrator may also approve additional changes in program if he finds such changes are necessitated by circumstances beyond the control of the eligible veteran or eligible person.

(d) As used in this section the term "change of program of education" shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second. (Added Pub. L. 92–540, title III, § 316(2), Oct. 24, 1972, 86 Stat. 1089.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1672, as added by Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 15; and former section 1722, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1196, prior to repeal by sections 401(6) and 402(2) of Pub. L. 92–540, respectively.

§ 1792. Advisory committee.

There shall be an advisory committee formed by the Administrator which shall be composed of persons who are eminent in their respective fields of education, labor, and management, and of representatives of the various types of institutions and establishments furnishing vocational rehabilitation under chapter 31 of this title or education to eligible persons or veterans enrolled under chapter 34 or 35 of this title. The Committee shall also include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, and the Vietnam era. The Commissioner of Education and the Administrator, Manpower Administration, Department of Labor, shall be ex officio members of the advisory committee. The Administrator shall advise and consult with the committee from time to time with respect to the administration of this chapter and chapters 31, 34, and 35 of this title, and the committee may make such reports and recommendations as it deems desirable to the Administrator and to the Congress. (Added Pub. L. 89–358, § 3(b), Mar. 3, 1966, 80 Stat. 23, § 1788, renumbered and amended Pub. L. 92–540, title III, § 316(2), (3), Oct. 24, 1972, 86 Stat. 1086, 1089.)

AMENDMENTS

1972—Pub. L. 92–540, § 316(3), added provisions that the Committee also include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era and the Vietnam era.

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1190 (formerly classified to section 1662 of this title) prior to repeal thereof by section 4(a) of Pub. L. 89–358.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

STUDY OF OPERATION OF POST-KOREAN CONFLICT PROGRAMS OF EDUCATIONAL ASSISTANCE; CRITERIA; TRANSMITTAL DATE TO PRESIDENT AND CONGRESS

Section 413 of Pub. L. 92–540 provided that: "The Administrator, in consultation with the advisory committee formed pursuant to section 1792 of this title (as redesignated by section 316(2) of this Act [this section]), shall provide for the conduct of an independent study of the operation of the post-Korean conflict program of educational assistance currently carried out under chapters 31, 34, 35, and 36 of this title in comparison with similar programs of educational assistance that were available to veterans of World War II and of the Korean conflict from the point of view of administration; veteran participation; safeguards against abuse; and adequacy of benefit level, scope of programs, and information and outreach efforts to meet the various education and training needs of eligible veterans. The results of such study, together with such recommendations as are warranted to improve the present program, shall be transmitted to the President and the Congress within six months after the date of enactment of this Act [Oct. 24, 1972]."

§ 1793. Institutions listed by Attorney General.

The Administrator shall not approve the enrollment of, or payment of an educational assistance allowance to, any eligible veteran or eligible person under this chapter or chapter 34 or 35 of this title in any course in an educational institution while it is listed by the Attorney General under section 12 of Executive Order 10450. (Added Pub. L. 89–358, § 3(b), Mar. 3, 1966, 80 Stat. 23, § 1789, amended Pub. L. 91–24, § 15, June 11, 1969, 83 Stat. 35, renumbered and amended Pub. L. 92–540, title III, § 316(2), title IV, § 403(12), Oct. 24, 1972, 86 Stat. 1086, 1090.

REFERENCES IN TEXT

Executive Order 10450, including section 12 thereof, referred to in the text, prescribes security requirements for government employees and is set out as a note under section 7311 of Title 5, Government Organization and Employees.

PRIOR PROVISION

Provisions similar to those comprising this section were contained in Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1179, 1197 (formerly classified to sections 1626 and 1726 of this title) prior to repeal thereof by sections 4(a) and 3(a)(3) of Pub. L. 89–358, respectively.

AMENDMENTS

1972—Pub. L. 92–540, § 403(12), added reference to this chapter.

1969—Pub. L. 91-24 substituted "educational assistance" for "additional assistance".

§ 1794. Use of other Federal agencies.

In carrying out his functions under this chapter or chapter 34 or 35 of this title, the Administrator may utilize the facilities and services of any other Federal department or agency. Any such utilization shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall be made either in advance or by way of reimbursement, as may be provided in such agreement. (Added Pub. L. 89-358, § 3(b), Mar. 3, 1966, 80 Stat. 23, § 1790, renumbered Pub. L. 92-540, title III, § 316(2), Oct. 24, 1972, 86 Stat. 1086.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1183, 1201 (formerly classified to sections 1644 and 1761(c) of this title) prior to repeal and amendment thereof by sections 4(a) and 3(a)(1) of Pub. L. 89-358, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1796 of this title.

§ 1795. Limitation on period of assistance under two or more programs.

The aggregate period for which any person may receive assistance under two or more of the laws listed below—

(1) parts VII or VIII, Veterans Regulation numbered 1(a), as amended;

(2) title II of the Veterans' Readjustment Assistance Act of 1952;

(3) the War Orphans' Educational Assistance Act of 1956;

(4) chapters 31, 34, 35, and 36 of this title, and the former chapter 33

may not exceed forty-eight months (or the part-time equivalent thereof), but this section shall not be deemed to limit the period for which assistance may be received under chapter 31 alone. (Added Pub. L. 90-631, § 1(d)(1), Oct. 23, 1968, 82 Stat. 1331, § 1791, renumbered and amended Pub. L. 92-540, title III, § 316(2), title IV, § 403(13), Oct. 24, 1972, 86 Stat. 1086, 1090.)

REFERENCES IN TEXT

Parts VII and VIII, Veterans Regulation Numbered 1(a), as amended, referred to in cl. (1), were repealed by section 14(67) of Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1272, effective Jan. 1, 1959.

Title II of the Veterans' Readjustment Assistance Act of 1952, referred to in cl. (2), is Act July 16, 1952, c. 875, Title II, §§ 201-274, 66 Stat. 663, which was repealed, effective Jan. 1, 1959, by section 14(101) of Pub. L. 85-857, Sept. 2, 1968, 72 Stat. 1273.

The War Orphans' Educational Assistance Act of 1956, referred to in cl. (3), is Act June 29, 1956, c. 476, 70 Stat. 411, as amended, which was repealed, effective Jan. 1, 1959, by section 14(113) of Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1274. See provisions of chapter 35 (section 1700 et seq. of this title).

Chapter 33 of this title, referred to in cl. (4), is Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1174-1192, which was formerly classified to sections 1601, 1610-1613, 1620-1626, 1631-1634, 1641-1645, 1651-1656, and 1661-1669 of this title, and was repealed by section 4(a) of Pub. L. 89-358. See such former provisions for successor classifications to the Veterans' Readjustment Benefits Act of 1966 in the Code.

AMENDMENTS

1972—Pub. L. 92-540, § 403(13), added reference to chapter 36 of this title.

EFFECTIVE DATE

Section effective on the first day of the second calendar month which begins after Oct. 23, 1968, see section 6(a) of Pub. L. 90-631, set out as a note under section 1502 of this title.

§ 1796. Limitation on certain advertising, sales, and enrollment practices.

(a) The Administrator shall not approve the enrollment of an eligible veteran or eligible person in any course offered by an institution which utilizes advertising, sales, or enrollment practices of any type which are erroneous, deceptive, or misleading either by actual statement, omission, or intimation.

(b) The Administrator shall, pursuant to section 1794 of this title, enter into an agreement with the Federal Trade Commission to utilize, where appropriate, its services and facilities, consistent with its available resources, in carrying out investigations and making his determinations under subsection (a) of this section. Such agreement shall provide that cases arising under subsection (a) of this section or any similar matters with respect to any of the requirements of this chapter or chapters 34 and 35 of this title shall be referred to the Federal Trade Commission which in its discretion will conduct an investigation and make preliminary findings. The findings and results of any such investigations shall be referred to the Administrator who shall take appropriate action in such cases within ninety days after such referral.

(c) Not later than sixty days after the end of each fiscal year, the Administrator shall report to Congress on the nature and disposition of all cases arising under this section. (Added Pub. L. 93-508, title II, § 212(a), Dec. 3, 1974, 88 Stat. 1585.)

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 1652 of this title.

SUBCHAPTER III.—EDUCATION LOANS TO ELIGIBLE VETERANS AND ELIGIBLE PERSONS

AMENDMENTS

1974—Pub. L. 93-508, title III, § 301(a), Dec. 3, 1974, 88 Stat. 1589, added subchapter III.

§ 1798. Eligibility for loans; amount and conditions of loans; interest rate on loans.

(a) Each eligible veteran and eligible person shall be entitled to a loan under this subchapter in an amount determined under, and subject to the conditions specified in, subsection (b)(1) of this section if the veteran or person satisfies the requirements set forth in subsection (c) of this section.

(b)(1) Subject to paragraph (3) of this subsection, the amount of the loan to which an eligible veteran or eligible person shall be entitled under this subchapter for any academic year shall be equal to the amount needed by such veteran or person to pursue a program of education at the institution at which he is enrolled, as determined under paragraph (2) of this subsection.

(2)(A) The amount needed by a veteran or person to pursue a program of education at an institution for any academic year shall be determined by subtracting (i) the total amount of financial resources (as defined in subparagraph (B) of this paragraph) available to the veteran or person which

may be reasonably expected to be expended by such veteran or person for educational purposes in any year from (ii) the actual cost of attendance (as defined in subparagraph (C) of this paragraph) at the institution in which such veteran or person is enrolled.

(B) The term "total amount of financial resources" of any veteran or person for any year means the total of the following:

(i) The annual adjusted effective income of the veteran or person less Federal income tax paid or payable by such veteran or person with respect to such income.

(ii) The amount of cash assets of the veteran or person.

(iii) The amount of financial assistance received by the veteran or person under the provisions of title IV of the Higher Education Act of 1965, as amended.

(iv) Educational assistance received by the veteran or person under this title other than under this subchapter.

(v) Financial assistance received by the veteran or person under any scholarship or grant program other than those specified in clauses (iii) and (iv).

(C) The term "actual cost of attendance" means, subject to such regulations as the Administrator may provide, the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books, and an allowance for such other expenses as the Administrator determines by regulation to be reasonably related to attendance at the institution at which the veteran or person is enrolled.

(3) The aggregate of the amounts any veteran or person may borrow under this subchapter may not exceed $270 multiplied by the number of months such veteran or person is entitled to receive educational assistance under section 1661 or subchapter II of chapter 35, respectively, of this title, but not in excess of $600 in any one regular academic year.

(c) An eligible veteran or person shall be entitled to a loan under this subchapter if such veteran or person—

(1) is in attendance at an educational institution on at least a half-time basis and (A) is enrolled in a course leading to a standard college degree, or (B) is enrolled in a course, the completion of which requires six months or longer, leading to an identified and predetermined professional or vocational objective;

(2) has sought and is unable to obtain a loan, in the full amount needed by such veteran or person, as determined under subsection (b) of this section, under a student loan program insured pursuant to the provisions of part B of title IV of the Higher Education Act of 1965, as amended, or any successor authority; and

(3) enters into an agreement with the Administrator meeting the requirements of subsection (d) of this section.

No loan shall be made under this subchapter to an eligible veteran or person pursuing a program of correspondence, flight, apprentice or other on-job, or PREP training.

(d) Any agreement between the Administrator and a veteran or person under this subchapter—

(1) shall include a note or other written obligation which provides for repayment to the Administrator of the principal amount of, and payment of interest on, the loan in installments over a period beginning nine months after the date on which the borrower ceases to be at least a half-time student and ending ten years and nine months after such date;

(2) shall include provision for acceleration of repayment of all or any part of the loan, without penalty, at the option of the borrower;

(3) shall provide that the loan shall bear interest, on the unpaid balance of the loan, at a rate prescribed by the Administrator, with the concurrence of the Secretary of the Treasury, but at a rate not less than a rate determined by the Secretary, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of loans made under this subchapter, except that no interest shall accrue prior to the beginning date of repayment; and

(4) shall provide that the loan shall be made without security and without endorsement.

(e)(1) Except as provided in paragraph (2) of this subsection, whenever the Administrator determines that a default has occurred on any loan made under this subchapter, he shall declare an overpayment, and such overpayment shall be recovered from the veteran or person concerned in the same manner as any other debt due the United States.

(2) If a veteran or person who has received a loan under this section dies or becomes permanently and totally disabled, then the Administrator shall discharge the veteran's or person's liability on such loan by repaying the amount owed on such loan.

(3) The Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, not later than one year after the date of enactment of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 and annually thereafter, a separate report specifying the default experience and default rate at each educational institution along with a comparison of the collective default experience and default rate at all such institutions. (Added Pub. L. 93–508, title III, § 301(a), Dec. 3, 1974, 88 Stat. 1589.)

REFERENCES IN TEXT

Title IV of the Higher Education Act of 1965, as amended, referred to in subsec. (b)(2)(B)(iii), is classified to section 1070 et seq. of Title 20, Education.

Part B of Title IV of the Higher Education Act of 1965, as amended, referred to in subsec. (c)(2), is classified to section 1071 et seq. of Title 20.

The date of enactment of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, referred to in subsec. (e)(3), is Dec. 3, 1974.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 502 of Pub. L. 93–508 provided that: "Title III of this Act [enacting this section and sections 1686, 1737, and 1799 of this title] shall become effective on January 1, 1975, except that eligible persons shall, upon application, be entitled (and all such persons shall be notified by the Administrator of Veterans' Affairs of such entitlement) to a loan under the new subchapter III of chapter 36 of title 38, United States Code [this subchapter], as added

by section 301 of this Act, the terms of which take into account the full amount of the actual cost of attendance (as defined in section 1798(b)(2)(C) of such title) which such persons incurred for the academic year beginning on or about September 1, 1974."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1686, 1737, 1799 of this title.

§ 1799. Revolving fund; insurance.

(a) There is hereby established in the Treasury of the United States a revolving fund to be known as the "Veterans' Administration Education Loan Fund" (hereinafter in this section referred to as the "Fund").

(b) The Fund shall be available to the Administrator, without fiscal year limitation, for the making of loans under this subchapter.

(c) There shall be deposited in the Fund (1) by transfer from current and future appropriations for readjustment benefits such amounts as may be necessary to establish and supplement the Fund in order to meet the requirements of the Fund, and (2) all collections of fees and principal and interest (including overpayments declared under section 1798(e) of this title) on loans made under this subchapter.

(d) The Administrator shall determine annually whether there has developed in the Fund a surplus which, in his judgment, is more than necessary to meet the needs of the Fund, and such surplus, if any, shall be deemed to have been appropriated for readjustment benefits.

(e) A fee shall be collected from each veteran or person obtaining a loan made under this subchapter for the purpose of insuring against defaults on loans made under this subchapter; and no loan shall be made under this subchapter until the fee payable with respect to such loan has been collected and remitted to the Administrator. The amount of the fee shall be established from time to time by the Administrator, but shall in no event exceed 3 per centum of the total loan amount. The amount of the fee may be included in the loan to the veteran or person and paid from the proceeds thereof. (Added Pub. L. 93–508, title III, § 301(a), Dec. 3, 1974, 88 Stat. 1591.)

EFFECTIVE DATE

Section effective Jan. 1, 1975, except that eligible persons shall, upon application, be entitled to a loan under this subchapter, the terms of which take into account the full amount of the actual cost of attendance as defined in section 1798(b)(2)(C) of this title, which such persons incurred for the academic year beginning on or about Sept. 1, 1974, see section 502 of Pub. L. 93–508, set out as a note under section 1798 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This setcion is referred to in sections 1686, 1737 of this title.

Chapter 37.—HOME, CONDOMINIUM, AND MOBILE HOME LOANS

SUBCHAPTER I.—GENERAL

Sec.
1801. Definitions.
1802. Basic entitlement.
1803. Basic provisions relating to loan guaranty.
1804. Restrictions on loans.
1805. Warranties.
1806. Escrow of deposits and downpayments.

SUBCHAPTER II.—LOANS

Sec.
1810. Purchase or construction of homes.
1811. Direct loans to veterans.
1815. Insurance of loans.
1816. Procedure on default.
1817. Release from liability under guaranty.
1818. Veterans who serve after January 31, 1955.
1819. Loans to purchase mobile homes and mobile home lots.

SUBCHAPTER III.—ADMINISTRATIVE PROVISIONS

1820. Powers of Administrator.
1821. Incontestability.
1823. Direct loan revolving fund.
1824. Loan guaranty revolving fund.
1825. Waiver of discharge requirements for hospitalized persons.
1826. Withholding of payments, benefits, etc.
1827. Expenditures to correct or compensate for structural defects in mortgaged homes.

AMENDMENTS

1974—Pub. L. 93–569, § 7(b), (c), Dec. 31, 1974, 88 Stat. 1866, substituted "Home, Condominium, and Mobile Home Loans" for "Home, Farm, and Business Loans" in the chapter heading, and struck out items 1812 "Purchase of farms and farm equipment", 1813 "Purchase of business property", 1814 "Loans to refinance delinquent indebtedness", and 1822 "Recovery of damages", from the chapter analysis.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3102 of this title; title 12 sections 371, 1723e, 2803.

CHAPTER REFERRED TO IN D.C. CODE

This chapter is referred to in sections 28–3307, 35–535 of the District of Columbia Code.

§ 1801. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 1802. Basic entitlement.

* * * * *

(b) In computing the aggregate amount of guaranty or insurance entitlement available to a veteran under this chapter, the Administrator may exclude the amount of guaranty or insurance entitlement used for any guaranteed, insured, or direct loan, if—

(1) the property which secured the loan has been disposed of by the veteran or has been destroyed by fire or other natural hazard; and

(2) the loan has been repaid in full, or the Administrator has been released from liability as to the loan, or if the Administrator has suffered a loss on such loan, the loss has been paid in full; or

(3) an immediate veteran-transferee has agreed to assume the outstanding balance on the loan and consented to the use of his entitlement, to the extent that the entitlement of the veteran-transferor had been used originally, in place of the veteran-transferor's for the guaranteed, insured, or direct loan, and the veteran-transferee otherwise meets the requirements of this chapter.

The Administrator may, in any case involving circumstances he deems appropriate, waive one or more of the conditions prescribed in clauses (1) and (2) above.

* * * * *

(d) Loans will be automatically guaranteed under this chapter only if made (1) by any Federal land bank, national bank, State bank, private bank, building and loan association, insurance company, credit

union, or mortgage and loan company, that is subject to examination and supervision by an agency of the United States or of any State, or (2) by any State, or (3) by any lender approved by the Administrator pursuant to standards established by him. Any loan proposed to be made to a veteran pursuant to this chapter by any lender not of a class specified in the preceding sentence may be guaranteed by the Administrator if he finds that it is in accord otherwise with the provisions of this chapter.

* * * * *

(As amended Pub. L. 93–569, § 2 (a), (b), Dec. 31, 1974, 88 Stat. 1863.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–569, § 2(a), expanded the provisions so as to permit restoration of a veteran's entitlement to a guaranteed, insured, or direct loan provided any prior loan has been paid in full, and the property has been disposed of by the veteran, or any immediate veteran-transferee has agreed to the use of his veteran's entitlement.

Subsec. (d)(3). Pub. L. 93–569, § 2(b), substituted provisions relating to any lender approved by the Administrator pursuant to standards established by him, for provisions relating to approval of mortgagees by the Secretary of Housing and Urban Development and designated by him as certified agent.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 10 of Pub. L. 93–569 provided that: "The provisions of this Act [amending this section and sections 802, 1803, 1804, 1810, 1811, 1815, 1818 and 1819 of this title, and section 1757 of Title 12, repealing sections 1812, 1813, 1814 and 1822 of this title, and enacting provision set out as a note under this section] shall become effective on the date of enactment [Dec. 31, 1974] except that the amendments made by sections 2(a)(3) [amending subsec. (b) of this section] and 2(b) [amending subsec. (d)(3) of this section] and section 3(2) [amending section 1810(a)(6) of this title] and 3(4) [amending section 1810(d) of this title] shall become effective ninety days after such date of enactment [Dec. 31, 1974]."

SHORT TITLE

Section 1 of Pub. L. 93–569 provided: "That this Act [amending this section and sections 802, 1803, 1804, 1810, 1811, 1815, 1818 and 1819 of this title, and section 1757 of Title 12, repealing sections 1812, 1813, 1814 and 1822 of this title, and enacting provision set out as a note under this section], may be cited as the 'Veterans Housing Act of 1974'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1819 of this title.

§ 1803. Basic provisions relating to loan guaranty.

(a)(1) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title.

* * * * *

(b) The liability of the United States under any guaranty, within the limitations of this chapter, shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation.

(c)(1) Loans guaranteed or insured under this chapter shall be payable upon such terms and conditions as may be agreed upon by the parties thereto, subject to the provisions of this chapter and regulations of the Administrator issued pursuant to this chapter, and shall bear interest not in excess of such rate as the Administrator may from time to time find the loan market demands, except that in establishing the rate of interest that shall be applicable to such loans, the Administrator shall consult with the Secretary of Housing and Urban Development regarding the rate of interest the Secretary considers necessary to meet the mortgage market for home loans insured under section 203(b) of the National Housing Act, and, to the maximum extent practicable, carry out a coordinated policy on interest rates on loans insured under such section 203(b) and on loans guaranteed or insured under this chapter.

* * * * *

(3) This section shall not be construed to prohibit a veteran from paying to a lender any reasonable discount required by such lender, when the proceeds from the loan are to be used:

(A) to refinance indebtedness pursuant to section 1810(a)(5);

(B) to repair, alter, or improve a farm residence or other dwelling pursuant to section 1810(a)(4);

(C) to construct a dwelling or farm residence on land already owned or to be acquired by the veteran except where the land is directly or indirectly acquired from a builder or developer who has contracted to construct such dwelling for the veteran; or

(D) to purchase a dwelling from a class of sellers which the Administrator determines are legally precluded under all circumstances from paying such a discount if the best interest of the veteran would be so served.

(d)(1) The maturity of any loan shall not be more than thirty years and thirty-two days.

* * * * *

(3) Any real estate loan (other than for repairs, alterations, or improvements) shall be secured by a first lien on the realty. In determining whether a loan for the purchase or construction of a home is so secured, the Administrator may disregard a superior lien created by a duly recorded covenant running with the realty in favor of a private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services or programs within and for the benefit of the development or community in which the veteran's realty is located, if he determines that the interests of the veteran borrower and of the Government will not be prejudiced by the operation of such covenant. In respect to any such superior lien to be created after the effective date of this amendment, the Administrator's determination must have been made prior to the recordation of the covenant. (As amended Pub. L. 93–75, July 26, 1973, 87 Stat. 176; Pub. L. 93–569, §§ 2(c), 8 (1)–(4), Dec. 31, 1974, 88 Stat. 1863, 1866.)

REFERENCES IN TEXT

Section 203(b) of the National Housing Act, referred to in subsec. (c)(1), is classified to section 1709(b) of Title 12, Banks and Banking.

AMENDMENTS

1974—Subsec. (a)(1). Pub. L. 93–569, § 8(1), struck out "and not more than 50 per centum of the loan if the loan

is for any of the purposes specified in section 1812, 1813, or 1814 of this title" following "section 1810 of this title".

Subsec. (b). Pub. L. 93-569, § 8(2), struck out provision that, except as provided in sections 1810, 1811, and 1819, the aggregate amount guaranteed should not be more than $2,000 in the case of non-real-estate loans, nor $4,000 in the case of real-estate loans or a prorated portion thereof in a combination loan.

Subsec. (c)(3). Pub. L. 93-569, § 2(c), added subsec. (c)(3).

Subsec. (d)(1). Pub. L. 93-569, § 8(3), substituted provision that the maturity of any loan shall not be more than thirty years and thirty-two days for provisions that non-real-estate loans shall not be more than ten years except as provided in section 1819, that the maturity of a real estate loan be not more than thirty years, and a loan on farm realty be not more than forty years.

Subsec. (d)(3). Pub. L. 93-569, § 8(4), struck out provision that any non-real-estate loan should be secured by personalty to the extent legal and practicable.

1973—Subsec. (c)(1). Pub. L. 93-75 substituted provisions requiring the Administrator to consult with the Secretary of Housing and Urban Development regarding the establishment of the rate of interest the Secretary considers necessary to meet the mortgage market for home loans insured under section 203(b) of the National Housing Act, and to carry out a coordinated policy on interest rates on loans insured under such section 203(b) and on loans guaranteed or insured under this chapter, for former provision limiting rate of interest to rate in effect under section 203(b)(5) of the National Housing Act.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-569 effective Dec. 31, 1974, see section 10 of Pub. L. 93-569, set out as a note under section 1802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1811, 1818 of this title.

§ 1804. Restrictions on loans.

* * * * *

(b) Subject to notice and opportunity for a hearing, the Administrator may refuse to appraise or to be constructed by any person indentified with housing previously sold to veterans under this chapter as to which substantial deficiences have been discovered, or as to which there has been a failure or indicated inability to discharge contractual liabilities to veterans, or as to which it is ascertained that the type of contract of sale or the methods or practices pursued in relation to the marketing of such properties were unfair or unduly prejudicial to veteran purchasers. The Administrator may also refuse to appraise any dwelling or housing project owned, sponsored, or to be constructed by any person refused the benefits of participation under the National Housing Act pursuant to a determination of the Secretary of Housing and Urban Development.

(c) No loan for the purchase or construction of residential property shall be financed through the assistance of this chapter unless the veteran applicant, at the time that he applies for the loan, and also at the time that the loan is closed, certifies in such form as the Administrator may require, that he intends to occupy the property as his home. No loan for the repair, alteration, or improvement of residential property shall be financed through the assistance of the provisions of this chapter unless the veteran applicant, at the time that he applies to the lender for the loan, and also at the time that the loan is closed, certifies, in such form as may be required by the Administrator, that he occupies the property as his home. Notwithstanding the foregoing provisions of this subsection, in the case of a loan automatically guaranteed under this chapter, the veteran shall be required to make the certification only at the time the loan is closed. For the purposes of this chapter the requirement that the veteran recipient of a guaranteed or direct home loan must occupy or intend to occupy the property as his home means that the veteran as of the date of his certification actually lives in the property personally as his residence or actually intends upon completion of the loan and acquisition of the dwelling unit to move into the property personally within a reasonable time and to utilize such property as his residence. Notwithstanding the foregoing requirements of this subsection, the provisions for certification by the veteran at the time he applies for the loan and at the time the loan is closed shall be considered to be satisfied if the Administrator finds that (1) in the case of a loan for repair, alteration, or improvement the veteran in fact did occupy the property at such times, or (2) in the case of a loan for construction or purchase the veteran intended to occupy the property as his home at such times and he did in fact so occupy it when, or within a reasonable time after, the loan was closed.

(d) Subject to notice and opportunity for a hearing, whenever the Administrator finds with respect to guaranteed or insured loans that any lender or holder has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately or to exercise proper credit judgment or has willfully or negligently engaged in practices otherwise detrimental to the interest of veterans or of the Government, he may refuse either temporarily or permanently to guarantee or insure any loans made by such lender or holder and may bar such lender or holder from acquiring loans guaranteed or insured under this chapter; however, the Administrator shall not refuse to pay a guaranty or insurance claim on loans theretofore entered into in good faith between a veteran and such lender. The Administrator may also refuse either temporarily or permanently to guarantee or insure any loans made by a lender or holder refused the benefits of participation under the National Housing Act pursuant to a determination of the Secretary of Housing and Urban Development.

* * * * *

(As amended Pub. L. 93-569, § 2(d), (e), Dec. 31, 1974, 88 Stat. 1863, 1864.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93-569, § 2(e), struck out "under section 512 of that Act" following "determination of the Secretary of Housing and Urban Development".

Subsec. (c). Pub. L. 93-569, § 2(d), added provision that, the foregoing provisions notwithstanding, in the case of an automatically guaranteed loan, the veteran is required to make certification only at the time of loan closing.

Subsec. (d). Pub. L. 93-569, § 2(e), struck out "under section 512 of that Act" following "determination of the Secretary of Housing and Urban Development".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-569 effective Dec. 31, 1974, see section 10 of Pub. L. 93-569, set out as a note under section 1802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1806, 1811, 1819 of this title.

§ 1810. Purchase or construction of homes.

(a) Any loan to a veteran, if made pursuant to the provisions of this chapter, is automatically guaranteed if such loan is for one or more of the following purposes:

* * * * *

(5) To refinance existing mortgage loans or other liens which are secured of record on a dwelling or farm residence owned and occupied by him as his home.

(6) To purchase a one-family residential unit in a new condominium housing development or project, or in a structure built and sold as a condominium, provided such development, project or structure is approved by the Administrator under such criteria as he shall prescribe.

* * * * *

(c) The amount of guaranty entitlement available to a veteran under this section shall not be more than $17,500 less such entitlement as may have been used previously under this section and other sections of this chapter.

(d) Repealed. Pub. L. 93-569, § 3(4), Dec. 31, 1974, 88 Stat. 1864.

(As amended Pub. L. 93-569, § 3, Dec. 31, 1974, 88 Stat. 1864.)

AMENDMENTS

1974—Subsec. (a)(5). Pub. L. 93-569, § 3(1), struck out "Nothing in this chapter shall preclude a veteran from paying to a lender any discount required by such lender in connection with such refinancing."

Subsec. (a)(6). Pub. L. 93-569, § 3(2), added subsec. (a)(6).

Subsec. (c). Pub. L. 93-569, § 3(3), substituted "$17,500" for "$12,500".

Subsec. (d). Pub. L. 93-569, § 3(4), struck out subsec. (d), relating to the guaranty of loans for purchase of a one-family residential unit in a condominium housing project or development as to which the Secretary of Housing and Urban Development has issued, under section 234 of the National Housing Act, evidence of insurance.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-569 effective Dec. 31, 1974, except that amendment of subsecs. (a) (6) and (d) of this section effective ninety days after Dec. 31, 1974, see section 10 of Pub. L. 93-569, set out as a note under section 1802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1803, 1811, 1817, 1822 of this title.

§ 1811. Direct loans to veterans.

* * * * *

(d) (1) Loans made under this section shall bear interest at a rate determined by the Administrator, not to exceed the rate authorized for guaranteed home loans, or mobile home loans, as appropriate, and shall be subject to such requirements or limitations prescribed for loans guaranteed under this title as may be applicable.

(2) (A) Except for any loan made under this chapter for the purposes described in section 1819 of this title, the original principal amount of any loan made under this section shall not exceed an amount which bears the same ratio to $21,000 as the amount of guaranty to which the veteran is entitled under section 1810 of this title at the time the loan is made bears to $17,500; and the guaranty entitlement of any veteran who heretofore or hereafter has been granted a loan under this section shall be charged with an amount which bears the same ratio to $17,500 as the amount of the loan bears to $21,000; except that the Administrator may increase the $21,000 limitations specified in this pargraph to an amount not to exceed $25,000 where he finds that cost levels so require.

* * * * *

(g) The Administrator may sell, and shall offer for sale, to any person or entity approved for such purpose by him, any loan made under this section at a price which he determines to be reasonable under the conditions prevailing in the mortgage market when the agreement to sell the loan is made; and shall guarantee any loan thus sold subject to the same conditions, terms, and limitations which would be applicable were the loan guaranteed under section 1810 or 1819 of this title, as appropriate.

* * * * *

(As amended Pub. L. 92-66, Aug. 5, 1971, 85 Stat. 173; Pub. L. 93-569, § 4, Dec. 31, 1974, 88 Stat. 1864.)

AMENDMENTS

1974—Subsec. (d)(2)(A). Pub. L. 93-569 substituted "$17,500" for "$12,500" wherever appearing therein.

1971—Subsec. (g). Pub. L. 92-66 substituted provisions authorizing the Administrator to sell loans at a price which he determines to be reasonable under prevailing conditions in the mortgage market when the agreement to sell the loan is made, for provisions authorizing the Administrator to sell loans at a price which he determines to be reasonable but not less than 98 per centum of the unpaid principal balance, plus the full amount of the accrued interest, and if the loans are offered to an investor in a package or block of two or more loans at not less than 98 per centum of the aggregate unpaid principal balance of the loans included in such package or block, plus the full amount of accrued interest.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-569 effective Dec. 31, 1974, see section 10 of Pub. L. 93-569, set out as a note under section 1802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1810, 1816, 1823 of this title.

§§ 1812 to 1814. Repealed. Pub. L. 93-569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

Section 1812, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1210, automatically guaranteed loans made to a veteran if made for the purpose of purchasing farms and farm equipment.

Section 1813, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1211, automatically guaranteed loans made to a veteran if made for the purpose of purchasing business property.

Section 1814, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1211, Pub. L. 86-665, § 3, July 14, 1960, 74 Stat. 531; Pub. L. 87-84, § 1(c), July 6, 1961, 75 Stat. 201, automatically guaranteed loans made to a veteran if made for the purpose of refinancing delinquent indebtedness.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective Dec. 31, 1974, see section 10 of Pub. L. 93-569, set out as a note under section 1802 of this title.

§ 1815. Insurance of loans.

* * * * *

(b) Loans insured under this section shall be made on such other terms, conditions, and restrictions as the Administrator may prescribe within the limitations set forth in this chapter. (As amended Pub. L. 93–569, § 8(5), Dec. 31, 1974, 88 Stat. 1866.)

AMENDMENTS

1974—Subsec. (b) Pub. L. 93–569 struck out provision authorizing the Administrator to fix the maximum interest rate payable on non-real-estate loans at not in excess of 3 percent discount rate or an equivalent straight interest rate on unamortized loans.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–569 effective Dec. 31, 1974, see section 10 of Pub. L. 93–569, set out as a note under section 1802 of this title.

§ 1817. Release from liability under guaranty.

(a) Whenever any veteran disposes of residential property securing a guaranteed, insured, or direct loan obtained by him, the Administrator, upon application made by such veteran and by the transferee incident to such disposal, shall issue to such veteran in connection with such disposal a release relieving him of all further liability to the Administrator on account of such loan (including liability for any loss resulting from any default of the transferee or any subsequent purchaser of such property) if the Administrator has determined, after such investigation as he may deem appropriate, that (1) the loan is current, and (2) the purchaser of such property from such veteran (A) has obligated himself by contract to purchase such property and to assume full liability for the repayment of the balance of the loan remaining unpaid, and has assumed by contract all of the obligations of the veteran under the terms of the instruments creating and securing the loan, and (B) qualifies from a credit standpoint, to the same extent as if he were a veteran eligible under section 1810 of this title, for a guaranteed or insured or direct loan in an amount equal to the unpaid balance of the obligation for which he has assumed liability.

(b) If any veteran disposes of residential property securing a guaranteed, insured, or direct loan obtained by him under this chapter without receiving a release from liability with respect to such loan under subsection (a), and a default subsequently occurs which results in liability of the veteran to the Administrator on account of the loan, the Administrator may relieve the veteran of such liability if he determines, after such investigation as he deems appropriate, that the property was disposed of by the veteran in such a manner, and subject to such conditions, that the Administrator would have issued the veteran a release from liability under subsection (a) with respect to the loan if the veteran had made application therefor incident to such disposal. Failure of a transferee to assume by contract all of the liabilities of the original veteran-borrower shall bar such release of liability only in cases in which no acceptable transferee, either immediate or remote, is legally liable to the Administrator for the indebtedness of the original veteran-borrower arising from termination of the loan. The failure of a veteran to qualify for release from liability under this subsection does not preclude relief from being granted under subsection 3102(b) of this title, if eligible thereunder. (As amended Pub. L. 92–328, title II, § 204, June 30, 1972, 86 Stat. 397.)

AMENDMENTS

1972—Pub. L. 92–328 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective on June 30, 1972, see section 301(c) of Pub. L. 92–328, set out as a note under section 210 of this title.

§ 1818. Veterans who serve after January 31, 1955.

(a) Each eligible veteran, as defined in paragraphs (1) and (2) of subsection (a) of section 1652 of this title, shall be eligible for the benefits of this chapter, subject to the provisions of this section.

* * * * *

(c) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used. (As amended Pub. L. 93–569, § 8(6), (7), Dec. 31, 1974, 88 Stat. 1866, 1867.)

REFERENCES IN TEXT

The date of enactment of the Veterans' Housing Act of 1970, referred to in subsec. (c), is the date of enactment of Pub. L. 91–506, which was approved Oct. 23, 1970.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–569, § 8(6), struck out "(except sections 1813 and 1815, and business loans under section 1814, of this title)" after "of this chapter".

Subsec. (c). Pub. L. 93–569, § 8(7), redesignated subsec. (d) as (c). Former subsec. (c), providing that entitlement under subsec. (a) shall include eligibility for purposes specified in sections 1813 and 1815, and business loans under section 1814 if the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict and had not used any of his entitlement, was struck out.

Subsec. (d). Pub. L. 93–569, § 8(7), redesignated subsec. (d) as (c).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–569 effective Dec. 31, 1974, see section 10 of Pub. L. 93–569, set out as a note under section 1802 of this title.

§ 1819. Loans to purchase mobile homes and mobile home lots.

(a) Notwithstanding any other provision of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the mobile home loan guaranty benefit or the mobile home lot loan guaranty benefit, or both, under this section. Use of the mobile home loan guaranty benefit or the mobile home lot loan guaranty benefit, or both, provided by this section shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the loan guaranteed under this section has been paid in full.

(b)(1) Subject to the limitations in subsection (d) of this section, a loan to purchase a mobile home under this section may include (or be augmented by a separate loan for) (A) an amount to finance the acquisition of a lot on which to place such home, and (B) an additional amount to pay expenses reasonably necessary for the appropriate preparation

of such a lot, including but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad.

(2) Subject to the limitations in subsection (d) of this section, a loan may be made to purchase a lot on which to place a mobile home if the veteran already has such a home. Such a loan may include an amount sufficient to pay expenses reasonably necessary for the appropriate preparation of such a lot, including, but not limited to, the installation of utility connections, sanitary facilities, and paving, and the construction of a suitable pad.

(c) (1) Any loan to a veteran eligible under subsection (a) shall be guaranteed by the Administrator if (A) the loan is for the purpose of purchasing a new mobile home or for the purchase of a used mobile home which meets or exceeds minimum requirements for construction, design, and general acceptability prescribed by the Adminstrator, or the loan is for the purpose of purchasing a lot on which to place a mobile home previously purchased by the veteran, whether or not such mobile home was purchased with a loan guaranteed, insured or made by another Federal agency, and (B) the loan complies in all other respects with the requirements of this section. Loans for such purpose (including those which will also finance the acquisition of a lot or site preparation as authorized by subsection (b) of this section) shall be submitted to the Administrator for approval prior to loan closing except that the Administrator may exempt any lender of a class listed in section 1802(d) of this title from compliance with such prior approval requirement if he determines that the experience of such lender or class of lenders in mobile home financing warrants such exemption.

* * * * *

(d) (1) The Administrator shall establish a loan maximum for each type of loan authorized by this section. In the case of a new mobile home, the Administrator may establish a maximum loan amount based on the manufacturer's invoice cost to the dealer and such other cost factors as the Administrator considers proper to take into account. In the case of a used mobile home, the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. In the case of any lot on which to place a mobile home, whether or not the mobile home was financed with assistance under this section, and in the case of necessary site preparation, the loan amount for such purposes may not exceed the reasonable value of such lot or an amount appropriate to cover the cost of necessary site preparation or both, as determined by the Administrator.

(2) The maximum permissible loan amounts and the terms for which the loans are made shall not exceed—

(A) $12,500 for twelve years and thirty-two days in the case of a loan covering the purchase of a single-wide mobile home only and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation where the veteran owns the lot, or

(B) $20,000 for twenty years and thirty-two days in the case of a loan covering the purchase of a double-wide mobile home only and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation where the veteran owns the lot, or

(C) $20,000 (but not to exceed $12,500 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a single-wide mobile home and an undeveloped lot on which to place such home, which includes such amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation, or

(D) $27,500 (but not to exceed $20,000 for the mobile home) for twenty years and thirty-two days in the case of a loan covering the purchase of a double-wide mobile home and an undeveloped lot on which to place such home, which includes such amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation, or

(E) $20,000 (but not to exceed $12,500 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a single-wide mobile home and a suitably developed lot on which to place such home, or

(F) $27,500 (but not to exceed $20,000 for the mobile home) for twenty years and thirty-two days in the case of a loan covering the purchase of a double-wide mobile home and a suitably developed lot on which to place such home, or

(G) $7,500 for twelve years and thirty-two days in the case of a loan covering the purchase of only an undeveloped lot on which to place a mobile home owned by the veteran, which includes such amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation, or

(H) $7,500 for twelve years and thirty-two days in the case of a loan covering the purchase of a suitably developed lot on which to place a mobile home owned by the veteran.

* * * * *

(e) No loan shall be guaranteed under this section unless—

* * * * *

(3) the loan is secured by a first lien on the mobile home purchased with the proceeds of the loan and on any lot acquired or improved with the proceeds of the loan;

* * * * *

(f) The Administrator shall establish such rate of interest for mobile home loans and mobile home lot loans as he determines to be necessary in order to assure a reasonable supply of mobile home loan financing for veterans under this section.

* * * * *

(l) No loan for the purchase of a mobile home shall be guaranteed under this section unless the mobile home and lot, if any, meet or exceed standards for planning, construction, and general acceptability as prescribed by the Administrator and no loan for the purchase of a lot on which to place a mobile home owned by a veteran shall be guaranteed

under this section unless the lot meets such standards prescribed for mobile home lots. Such standards shall be designed to encourage the maintenance and development of sites for mobile homes which will be attractive residential areas and which will be free from, and not substantially contribute to, adverse scenic or environmental conditions. For the purpose of assuring compliance with such standards, the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans and conduct random onsite inspections of mobile homes purchased with assistance under this chapter.

* * * * *

(n) The provisions of sections 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making guaranteed mobile home loans and mobile home lot loans and holders of such loans.

(o) Repealed. Pub. L. 93–569, § 5(11), Dec. 31, 1974, 88 Stat. 1866.

(As amended Pub. L. 93–569, § 5, Dec. 31, 1974, 88 Stat. 1864.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–569, § 5(1), added "or the mobile home lot loan guaranty benefit, or both," after "loan guaranty benefit" wherever appearing therein, and struck out "mobile home" preceding "loan guaranteed under this section".

Subsec. (b)(1). Pub. L. 93–569, § 5(2), designated existing provisions as subsec. (b)(1), and in (b)(1) as so designated, redesignated cls. (1) and (2) as (A) and (B), respectively.

Subsec. (b)(2). Pub. L. 93–569, § 5(2), added subsec. (b)(2).

Subsec. (c)(1). Pub. L. 93–569, § 5 (3), (4), redesignated cls. (1) and (2) as (A) and (B), respectively, and in cl. (A) as so redesignated, added provision relating to the purchase of a lot on which to place a mobile home previously purchased by the veteran, whether or not such mobile home was purchased with a loan guaranteed, insured or made by another Federal agency, and substituted "or for the purchase of a used mobile home which meets or exceeds minimum requirements for construction, design, and general acceptability prescribed by the Administrator," for "or for the purchase of a used mobile home which is the security for a prior loan guaranteed or made under this section or for a loan guaranteed, insured or made by another Federal agency,".

Subsec. (d)(1). Pub. L. 93–569, § 5(5), substituted ", whether or not the mobile home was financed with assistance under this section, and in the case of necessary site preparation, the loan amount for such purposes may not exceed the reasonable value of such lot" for "financed through the assistance of this section and in the case of necessary site preparation, the loan amount shall not be increased by an amount in excess of the reasonable value of such lot".

Subsec. (d)(2)(A). Pub. L. 93–569, § 5(6), substituted "$12,500" for "$10,000," and "single wide mobile home only" for "mobile home only,".

Subsec. (d)(2)(B). Pub. L. 93–569, § 5(6), increased from $15,000 to $20,000, and from fifteen years and thirty-two days to twenty years and thirty-two days the amount and period of the loan, struck out the $10,000 maximum allowable amount for the mobile home, and restricted the amount of the loan to the purchase of a double-wide mobile home instead of a mobile home and undeveloped lot.

Subsec. (d)(2)(C). Pub. L. 93–569, § 5(6), substituted "$20,000" for "$17,500," "$12,500" for "$10,000," "single-wide mobile home" for "mobile home" and "an undeveloped lot" for "a suitably developed lot," and added provision including such amount as is appropriate to cover the cost of site preparation.

Subsec. (d)(2)(D) to (H). Pub. L. 93–569, § 5(6), added subsecs. (d)(2)(D) to (H).

Subsec. (e)(3). Pub. L. 93–569, § 5(7), added "purchased with the proceeds of the loan and on" after "mobile home".

Subsec. (f). Pub. L. 93–569, § 5(8), added "and mobile home lot loans" after "loans".

Subsec. (l). Pub. L. 93–569, § 5(9), added provision prohibiting the guarantee of a loan for the purchase of a lot on which to place a mobile home unless the lot meets prescribed standards.

Subsec. (n). Pub. L. 93–569, § 5(10), added "and mobile home lot loans" after "mobile home loans".

Subsec. (o). Pub. L. 93–569, § 5(11), struck out subsec. (o), which prohibited the making or guaranteeing of loans on and after July 1, 1975, except upon prior commitment.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–569 effective Dec. 31, 1974, see section 10 of Pub. L. 93–569, set out as a note under section 1802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1803, 1811 of this title.

§ 1820. Powers of Administrator.

(a) Notwithstanding the provisions of any other law, with respect to matters arising by reason of this chapter, the Administrator may—

* * * * *

(4) pay, compromise, waive or release any right, title, claim, lien or demand, however acquired, including any equity or any right of redemption;

* * * * *

(f) Whenever loss, destruction, or damage to any residential property securing loans guaranteed, insured, made, or acquired by the Administrator under this chapter occurs as the result of a major disaster as determined by the President under the Disaster Relief Act of 1974, the Administrator shall (1) provide counseling and such other service to the owner of such property as may be feasible and shall inform such owner concerning the disaster assistance available from other Federal agencies and from State or local agencies, and (2) pursuant to subsection (a)(2) of this section, extend on an individual case basis such forebearance or indulgence to such owner as the Administrator determines to be warranted by the facts of the case and the circumstances of such owner. (As amended Pub. L. 92–328, title II, § 205, June 30, 1972, 86 Stat. 397; Pub. L. 93–288, title VI, § 602(*l*), May 22, 1974, 88 Stat. 164.)

REFERENCES IN TEXT

The Disaster Relief Act of 1974, referred to in subsec. (f), is classified to chapter 68 (section 5121 et seq.) of Title 42, The Public Health and Welfare.

AMENDMENTS

1974—Subsec. (f). Pub. L. 93–288 substituted "Disaster Relief Act of 1974" for "Disaster Assistance Act of 1970."

1972—Subsec. (a)(4). Pub. L. 92–328 struck out provisions relating to the authority to waive or release claims, including partial or total waiver of payment, following default and loss of property.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective on June 30, 1972, see section 301(c) of Pub. L. 92–328, set out as a note under section 210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1823 of this title; title 28 section 2410.

§ 1822. Repealed. Pub. L. 93-569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

Section, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1214; Pub. L. 89-358, § 5(c), Mar. 3, 1966, 88 Stat. 26; Pub. L. 89-623, § 1, Oct. 4, 1966, 80 Stat. 873; Pub. L. 90-301, § 2 (b), May 7, 1968, 82 Stat. 113, provided for the bringing of an action in the district court, by the veteran or the Attorney General, against one who knowingly participated in the sale of property to a veteran for consideration in excess of the reasonable value of the property.

EFFECTIVE DATE OF REPEAL

Repeal of section effective Dec. 31, 1974 see section 10 of Pub. L. 93-569, set out as a note under section 1802 of this title.

§ 1823. Direct loan revolving fund.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 806 of this title.

§ 1824. Loan guaranty revolving fund.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 806 of this title.

Chapter 39.—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

Sec.
1903. Limitation on assistance; special training courses.
1904. Research and development; coordination with other Federal programs.

AMENDMENTS

1974—Pub. L. 93-538, §§ 4(c), 5(b), Dec. 22, 1974, 88 Stat. 1737, inserted "; special training courses" in item 1903, and added item 1904.

§ 1901. Definitions.

For purposes of this chapter—

(1) The term "eligible person" means—

(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II or thereafter:

* * * * *

(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II or thereafter.

(2) The term "adaptive equipment" includes, but is not limited to, power steering, power brakes, power window lifts, power seats, and special equipment necessary to assist the eligible person into and out of the automobile or other conveyance. Such term also includes (A) air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and (B) any modification of the size of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order such person to enter or operate the vehicle. (As amended Pub. L. 93-538, § 2, Dec. 22, 1974, 88 Stat. 1736.)

AMENDMENTS

1974—Par. (1)(A). Pub. L. 93-538, § 2(1), substituted "World War II or thereafter" for "World War II, or the Korean conflict; or if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty."

Par. (1)(B). Pub. L. 93-538, § 2(2), substituted "World War II or thereafter" for "World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty."

Par. (2). Pub. L. 93-538, § 2(2), substituted definition of "adaptive equipment" for definition of "World War II."

EFFECTIVE DATE OF 1974 AMENDMENT

Section 6 of Pub. L. 93-538 provided that: "The provisions of this Act [enacting section 1904 of this title, amending this section and sections 1902 and 1903 of this title, and enacting provisions set out as a note under this section] shall become effective on the first day of the second calendar month following the date of enactment [Dec. 22, 1974], except that clause (3) of section 3 [amending subsec. (c) of section 1902 of this title] shall take effect on January 11, 1971."

SHORT TITLE

Section 1 of Pub. L. 93-538 provided: "That this Act [enacting section 1904 of this title, amending this section and sections 1902 and 1903 of this title, and enacting provisions set out as a note under this section] may be cited as the 'Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974'."

§ 1902. Assistance for providing automobile and adaptive equipment.

(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance (including all State, local, and other taxes) or $3,300, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

* * * * *

(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may previously or subsequently have acquired.

* * * * *

(As amended Pub. L. 93-538, § 3, Dec. 22, 1974, 88 Stat. 1736.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-538, § 3(1), (2), substituted "automobile or other conveyance (including all State, local, and other taxes) or $3,300" for "automobile or other conveyance or $2,800".

Subsec. (c). Pub. L. 93-538, § 3(3), substituted "person may previously or subsequently have acquired" for "person may subsequently have acquired".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment of subsec. (a) by section 3(1), (2) of Pub. L. 93–538 effective on the first day of the second calendar month following Dec. 22, 1974, and amendment of subsec. (c) by section 3(3) of Pub. L. 93–538 effective on Jan. 11, 1971, see section 6 of Pub. L. 93–538, set out as a note under section 1901 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1903 of this title.

§ 1903. Limitations on assistance; special training courses.

* * * * *

(e)(1) The Administrator shall provide, directly or by contract, for the conduct of special driver training courses at every hospital and, where appropriate, at regional offices and other medical facilities, of the Veterans' Administration to instruct such eligible person to operate the type of automobile or other conveyance such person wishes to obtain with assistance under this chapter, and may make such courses available to any veteran or member of the Armed Forces, eligible for care under chapter 17 of this title, who is determined by the Administrator to need the special training provided in such courses even though such veteran or member is not eligible for the assistance provided under this chapter.

(2) The Administrator is authorized to obtain insurance on automobiles and other conveyances (not owned by the Government) used in conducting the special driver training courses provided under this subsection and to obtain, at Government expense, personal liability and property damage insurance for all persons taking such courses without regard to whether such persons are taking the course on an in-patient or out-patient basis. (As amended Pub. L. 93–538, § 4 (a), (b), Dec. 22, 1974, 88 Stat. 1736, 1737.)

AMENDMENTS

1974—Pub. L. 93–538, § 4(b), substituted "Limitations on assistance; special training courses" for "Limitations on assistance" in the section catchline.

Subsec. (e). Pub. L. 93–538, § 4(a), added subsec. (e).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–538 effective on the first day of the second calendar month following Dec. 22, 1974, see section 6 of Pub. L. 93–538, set out as a note under section 1901 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1904 of this title.

§ 1904. Research and development; coordination with other Federal programs.

(a) In carrying out prosthetic and orthopedic appliance research under section 216 and medical research under section 4101 of this title, the Administrator, through the Chief Medical Director, shall provide for special emphasis on the research and development of adaptive equipment and adapted conveyances (including vans) meeting standards of safety and quality prescribed under subsection (d) of section 1903, including support for the production and distribution of devices and conveyances so developed.

(b) In carrying out subsection (a) of this section, the Administrator, through the Chief Medical Director, shall consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare, in connection with programs carried out under section 3(b) of the Rehabilitation Act of 1973 (Public Law 93–112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), section 202(b)(2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers), and section 405 of such Act (relating to the Secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities). (Added Pub. L. 93–538, § 5(a), Dec. 22, 1974, 88 Stat. 1737.)

REFERENCES IN TEXT

Section 3(b) of the Rehabilitation Act of 1973, section 202(b)(2) of such Act, and section 405 of such Act, referred to in subsec. (b), are sections 702(b), 762(b)(2), and 785 respectively of Title 29, Labor.

EFFECTIVE DATE

Section effective on the first day of the second calendar month following Dec. 22, 1974, see section 6 of Pub. L. 93–538, set out as a note under section 1901 of this title.

Chapter 41.—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

Sec.
2001. Definitions.
2002. Purpose.
2003. Assignment of veterans' employment representative.
2004. Employees of local offices.
2005. Cooperation of Federal agencies.
2006. Estimate of funds for administration; authorization of appropriations.
2007. Administrative controls; annual report.
2008. Cooperation and coordination with the Veterans' Administration.

AMENDMENTS

1972—Pub. L. 92–540, title V, § 502(a), Oct. 24, 1972, 86 Stat. 1094, in the chapter heading substituted ", Training and" for "and Employment", redesignated former items 2001 to 2005 as items 2002 to 2006, and added items 2001, 2007, and 2008, and in redesignated item 2006 "authorization of appropriations"

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 29 sections 845, 871; title 42 sections 1101, 4876.

§ 2001. Definitions.

For the purposes of this chapter—

(1) The term "eligible veteran" means a person who served in the active military, naval, or air service and who was discharged or released therefrom with other than a dishonorable discharge.

(2) the term "eligible person" means—

(A) the spouse of any person who died of a service-connected disability,

(B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this chapter, is listed, pursuant to section 556 of title 37 and

regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power, or

(C) the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability so evaluated was in existence.

(3) The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(As amended Pub. L. 92–540, title V, § 502(a), Oct. 24, 1972, 86 Stat. 1094; Pub. L. 93–508, title IV, § 401(a), Dec. 3, 1974, 88 Stat. 1592.)

AMENDMENTS

1974—Pub. L. 93–508 redesignated existing par. (2) as (3), and added par. (2).

1972—Pub. L. 92–540 substituted provisions defining the terms "eligible veteran" and "State", for provisions stating the Congressional declaration of purpose. See section 2002 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 601(b) of Pub. L. 92–540 provided that: "The provisions of title V of this Act [which enacted sections 2006–2008 and 2011–2013 of this title and section 591 of Appendix to Title 50, and amended sections 2002–2005 and 3107 of this title, and section 511 of Appendix to Title 50] shall become effective 90 days after the date of enactment of this Act [Oct. 24, 1972]."

SHORT TITLE

Section 501 of Pub. L. 92–540 provided that: "This title [see Effective Date of 1972 Amendment note set out hereunder] may be cited as the 'Veterans' Employment and Readjustment Act of 1972'."

§ 2002. Purpose.

The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and eligible persons and that, to this end policies shall be promulgated and administered through a Veterans [1] Employment Service within the Department of Labor, so as to provide such veterans and persons the maximum of employment and training opportunities through existing programs, coordination and merger of programs and implementation of new programs. (As amended Pub. L. 92–540, title V, § 502(a), Oct. 24, 1972, 86 Stat. 1094; Pub. L. 93–508, title IV, § 401(b), Dec. 3, 1974, 88 Stat. 1592.)

CODIFICATION

Provisions similar to those comprising this section were contained in section 2001 of this title prior to the amendment of this chapter by Pub. L. 92–540.

[1] So in original. Probably should read "Veterans' ".

AMENDMENTS

1974—Pub. L. 93–508 substituted "eligible veterans and eligible persons" for "eligible veterans" and "to provide such veterans and persons" for "to provide such veterans".

1972—Pub. L. 92–540 substituted provisions stating the Congressional declaration of purpose, for provisions relating to the assignment of veterans' employment representatives. See section 2003 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92–540, set out as a note under section 2001 of this title.

VETERAN'S EMPLOYMENT PROVISIONS

Pub. L. 93–567, title I, § 104, Dec. 31, 1974, 88 Stat. 1849, provided that:

"(a) The Director of the Veterans' Employment Service, Department of Labor, established by section 2002 of title 38, United States Code [this section], together with the Secretary and Under Secretary of Labor and such Assistant Secretaries of Labor as the Secretary may designate, shall be responsible for formulating and monitoring the implementation of all departmental policies and programs as they affect veterans, especially those relating to unemployment, job training, employment, and placement under any provision of law.

"(b) The Secretary of Labor, in consultation and cooperation with the Administrator of Veterans' Affairs and the Secretary of Health, Education, and Welfare, shall provide for an outreach and public information program utilizing, to the maximum extent, the facilities of the Departments of Labor and Health, Education, and Welfare and the Veterans' Administration in order to (A) exercise maximum efforts to produce jobs and job training opportunities for individuals who served in the Armed Forces and were discharged within 4 years before the date of their application for such jobs or job training and inform all eligible veterans about employment, job training, on-the-job-training, and educational opportunities, under the Comprehensive Employment and Training Act of 1973, as amended by this Act, as provided for under title 38, United States Code [this title], and under any other provision of law, and (B) inform all eligible applicants under the Comprehensive Employment and Training Act of 1973 [chapter 17 of Title 42], Federal contractors and subcontractors, all Federal departments and agencies, educational institutions, labor unions, and other employers, of their responsibilities under this subsection and under all such laws, and (C) provide the entities described in clause (B) of this subsection technical assistance in carrying out those responsibilities. The Secretary of Labor, in consultation and cooperation with the Administrator of Veterans' Affairs and the Secretary of Health, Education, and Welfare shall report to the appropriate committees of the Congress not later than 90 days after the date of enactment of this Act [Dec. 31, 1974] on the steps taken and regulations issued to carry out the provisions of this section and of section 205(c)(5) of the Comprehensive Employment and Training Act of 1973 [section 845(c) of Title 29]."

§ 2003. Assignment of veterans' employment representative.

The Secretary of Labor shall assign to each State a representative of the Veterans' Employment Service to serve as the veterans' employment representative, and shall further assign to each State one assistant veterans' employment representative per each 250,000 veterans and eligible persons of the State veterans population, and such additional assistant veterans' employment representatives as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to

assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 of [1] subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' and eligible persons' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

(1) be functionally responsible for the supervision of the registration of eligible veterans and eligible persons in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans and eligible persons in employment and job training programs;

(2) engage in job development and job advancement activities for eligible veterans and eligible persons, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans and eligible persons with appropriate job and job training opportunities;

(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veteran's or an eligible person's particular qualifications with an available job or on-job training or apprenticeship opportunity which is commensurate with those qualifications;

(4) promote the interest of employers and labor unions in employing eligible veterans and eligible persons and in conducting on-job training and apprenticeship programs for such veterans and persons;

(5) maintain regular contact with employers, labor unions, training programs and veterans' organizations with a view to keeping them advised of eligible veterans and eligible persons available for employment and training and to keeping eligible veterans and eligible persons advised of opportunities for employment and training; and

(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans and eligible persons. (As amended Pub. L. 92–540, title V, § 502(a), Oct. 24, 1972, 86 Stat. 1094; Pub. L. 93–508, title IV, § 401(c), Dec. 3, 1974, 88 Stat. 1592.)

CODIFICATION

Provisions similar to those comprising this section were contained in section 2002 of this title prior to the amendment of this chapter by Pub. L. 92–540.

AMENDMENTS

1974—Pub. L. 93–508 substituted "250,000 veterans and eligible persons of the State" for "250,000 veterans of the State", and "Secretary's veterans' and eligible persons' counseling and placement policies" for "Secretary's veterans' counseling and placement policies", and in cls. (1), (2), (4), (5), and (6) of the fifth sentence substituted "eligible veterans and eligible persons" for "eligible veterans", in cl. (3), substituted "eligible veteran's or an eligible person's" for "eligible veteran's", and in cl. (4), substituted "such veterans and persons" for "such veterans".

1972—Pub. L. 92–540 substituted provisions relating to the assignment of veterans' employment representatives, for provisions relating to the assignment of employees of local offices. See section 2004 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92–540, set out as a note under section 2001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 29 section 871; title 42 section 1101.

§ 2004. Employees of local offices.

Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants. (As amended Pub. L. 92–540, title V, § 502(a), Oct. 24, 1972, 86 Stat. 1094.)

CODIFICATION

Provisions similar to those comprising this section were contained in section 2003 of this title prior to the amendment of this chapter by Pub. L. 92–540.

AMENDMENTS

1972—Pub. L. 92–540 substituted provisions relating to the assignment of employees of local offices, for provisions relating to the cooperation of other Federal agencies. See section 2005 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92–540, set out as a note under section 2001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2007 of this title.

§ 2005. Cooperation of Federal agencies.

All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he

[1] So in original. Probably should be "and".

may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans and eligible persons. (As amended Pub. L. 92–540, title V, § 502(a), Oct. 24, 1972, 86 Stat. 1094; Pub. L. 93–508, title IV, § 401(d), Dec. 3, 1974, 88 Stat. 1592.)

CODIFICATION

Provisions similar to those comprising this section were contained in section 2004 of this title prior to the amendment of this chapter by Pub. L. 92–540.

AMENDMENTS

1974—Pub. L. 93–508 substituted "eligible veterans and eligible persons" for "eligible veterans".

1972—Pub. L. 92–540 substituted provisions relating to the cooperation of other Federal agencies, for provisions relating to the estimation of funds for administration. See section 2006 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92–540, set out as a note under section 2001 of this title.

§ 2006. Estimate of funds for administration; authorization of appropriations.

(a) The Secreary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sum shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor. Estimated funds necessary for proper counseling, placement, and training services to eligible veterans and eligible persons provided by the various State public employment service agencies shall be separately identified in the budgets of those agencies as approved by the Department of Labor.

(b) There are authorized to be appropriated such sums as may be necessary for the proper and efficient administration of this chapter.

(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate submitted pursuant to subsection (a) of this section.

(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary of Labor based on a demonstrated lack of need for such funds for such purposes. (Added Pub. L. 92–540, title V, § 502(a), Oct. 24, 1972, 86 Stat. 1094, and amended Pub. L. 93–508, title IV, § 401(e), Dec. 3, 1974, 88 Stat. 1592.)

CODIFICATION

Provisions similar to those comprising this section were contained in section 2005 of this title prior to the amendment of this chapter by Pub. L. 92–540.

PRIOR PROVISIONS

A prior section 2006, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1219, which authorized the Secretary to make rules and regulations necessary to carry out the provisions of the chapter, and required him to consult with representatives of the State unemployment compensation agencies before prescribing any rules which could affect the performance of such agencies, was repealed by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–508 substituted "training ing services to eligible veterans and eligible persons" for "training services to veterans".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

EFFECTIVE DATE

Section effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92–540, set out as a note under section 2001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2007 of this title.

§ 2007. Administrative controls; annual report.

(a) The Secretary of Labor shall establish administrative controls for the following purposes:

(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty and each eligible person, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling services.

(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary of Labor to be inadequate.

(b) The Secretary of Labor shall establish definitive performance standards for determining compliance by the State public employment service agencies with the provisions of this chapter and chapter 42 of this title. A full report as to the extent and reasons for any noncompliance by any such State agency during any fiscal year, together with the agency's plan for corrective action during the succeeding year, shall be included in the annual report of the Secretary of Labor required by subsection (c) of this section.

(c) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans, veterans with service-connected disabilities, other eligible veterans, and eligible persons who request assistance through the public employment

service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2006 of this title and a statement of the reasons for such determination. (Added Pub. L. 92–540, title V, § 502(a), Oct. 24, 1972, 86 Stat. 1094, and amended Pub. L. 93–508, title IV, § 401(f), Dec. 3, 1974, 88 Stat. 1592.)

PRIOR PROVISIONS

A prior section 2007, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1220; Pub. L. 86–70, § 29(b), June 25, 1959, 73 Stat. 148; Pub. L. 86–624, § 25(c), July 12, 1960, 74 Stat. 418, which defined "Korean conflict veterans", "unemployment compensation" and "State", was repealed by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

AMENDMENTS

1974—Subsec. (a)(1). Pub. L. 93–508, § 401(f)(1) substituted "active duty and each eligible person" for "active duty".

Subsec. (b). Pub. L. 93–508, § 401(f)(2), redesignated former subsec. (b) as (c), and added subsec. (b).

Subsec. (c). Pub. L. 93–508, § 401(f)(2), (3), redesignated former subsec. (b) as (c), and in subsec. (c) as so redesignated, substituted "other eligible veterans, and eligible persons" for "and other eligible veterans".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

EFFECTIVE DATE

Section effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92–540, set out as a note under section 2001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2003 of this title.

§ 2008. Cooperation and coordination with the Veterans' Administration.

In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and all data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration. (Added Pub. L. 92–540, title V, § 502(a), Oct. 24, 1972, 86 Stat. 1094.)

PRIOR PROVISIONS

A prior section 2008, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1220, which enumerated provisions which forbid duplication of benefits, was repealed by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

EFFECTIVE DATE

Section effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92–540, set out as a note under section 2001 of this title.

§ 2009. Repealed. Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

Section, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1221, provided termination dates for the payment of benefits under this chapter.

Chapter 42.—EMPLOYMENT AND TRAINING OF DISABLED AND VIETNAM ERA VETERANS

Sec.
2011. Definitions.
2012. Veterans' employment emphasis under Federal contract.
2013. Eligibility requirements for veterans under certain Federal manpower training programs.
2014. Employment within the Federal Government.

AMENDMENTS

1974—Pub. L. 93–508, title IV, § 403(b), Dec. 3, 1974, 88 Stat. 1594, added item 2014.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2007 of this title.

§ 2010. Purpose.

Section renumbered section 2001 by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

§ 2011. Definitions.

As used in this chapter—

(1) The term "disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans' Administration for a disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

(2) The term "veteran of the Vietnam era" means a person (A) who (i) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era, and (B) who was so discharged or released within the 48 months preceding his application for employment covered under this chapter.

(3) The term "department and agency" means any department or agency of the Federal Government or any federally owned corporation.

(Added Pub. L. 92–540, title V, § 503(a), Oct. 24, 1972, 86 Stat. 1097.)

CODIFICATION

A prior section 2011 was renumbered section 2002 by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

EFFECTIVE DATE

Section effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92–540, set out as a note under section 2001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2014 of this title.

§ 2012. Veterans' employment emphasis under Federal contracts.

(a) Any contract in the amount of $10,000 or more entered into by any department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States, shall contain a provision requiring that the party contracting with the United States shall take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era. The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the procurement of personal property and non-personal services (including construction) for the United States. In addition to requiring affirmative action to

employ such veterans under such contracts and subcontracts and in order to promote the implementation of such requirement, the President shall implement the provisions of this section by promulgating regulations within 60 days after the date of enactment of this section, which regulations shall require that (1) each such contractor undertake in such contract to list immediately with the appropriate local employment service office all of its suitable employment openings, and (2) each such local office shall give such veterans priority in referral to such employment openings.

(b) If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to the employment of veterans, such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred to the Secretary who shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto. (Added Pub. L. 92–540, title V, § 503(a), Oct. 24, 1972, 86 Stat. 1097, and amended Pub. L. 93–508, title IV, § 402, Dec. 3, 1974, 88 Stat. 1593.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in the text, means the date of enactment of Pub. L. 92–540, which was approved Oct. 24, 1972.

CODIFICATION

A prior section 2012 was renumbered section 2003 by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–508, § 402 (1), (2), substituted "Any contract in the amount of $10,000 or more entered into" for "Any contract entered into", "the party contracting with the United States shall take affirmative action to employ and advance in employment" for "in employing persons to carry out such contract, the party contracting with the United States shall give special emphasis to the employment of", and "In addition to requiring affirmative action to employ such veterans under such contracts and subcontracts and in order to promote the implementation of such requirement, the President shall" for "The President shall".

Subsec. (b). Pub. L. 93–508, § 402(3), substituted "relating to the employment of veterans" for "relating to giving special emphasis in employment to veterans".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

EFFECTIVE DATE

Section effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92–540, set out as a note under section 2001 of this title.

EX. ORD. NO. 11701. EMPLOYMENT OF VETERANS BY FEDERAL AGENCIES AND GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

Ex. Ord. No. 11701, Jan. 24, 1973, 38 F.R. 2675, provided:

On June 16, 1971, I issued Executive Order No. 11598 to facilitate the employment of returning veterans by requiring Federal agencies and Federal contractors and their subcontractors to list employment openings with the employment service systems. Section 503 of the Vietnam Era Veterans' Readjustment Assistance Act of 1972 (Public Law 92–540; 86 Stat. 1097) added a new section 2012 to Title 38 of the United States Code [this section] which, in effect, provides statutory authority to extend the program developed under that order with respect to Government contractors and their subcontractors.

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of Title 3 of the United States Code and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Labor shall issue rules and regulations requiring each department and agency of the executive branch of the Federal Government to list suitable employment openings with the appropriate office of the State Employment Service or the United States Employment Service. This section shall not be construed as requiring the employment of individuals referred by such office or as superseding any requirements of the Civil Service Laws. Rules, regulations, and orders to implement this section shall be developed in consultation with the Civil Service Commission.

SEC. 2. The Secretary of Labor is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority of the President under Section 2012 of Title 38 of the United States Code [this section].

SEC. 3. The Secretary of Labor shall gather information on the effectiveness of the program established under this order and Section 2012 of Title 38 of the United States Code [this section] and of the extent to which the employment service system is fulfilling the employment needs of veterans. The Secretary of Labor shall, from time to time, report to the President concerning his evaluation of the effectiveness of this order along with his recommendations for further action which the Secretary believes to be appropriate.

SEC. 4. Appropriate departments and agencies shall, in consultation with the Secretary of Labor, issue such amendments or additions to procurement rules and regulations as may be necessary to carry out the purposes of this order and Section 2012 of Title 38 of the United States Code [this section]. Except as otherwise provided by law, all executive departments and agencies are directed to cooperate with the Secretary of Labor, to furnish the Secretary of Labor with such information and assistance as he may require in the performance of his functions under this order, and to comply with rules, regulations, and orders of the Secretary.

SEC. 5. Executive Order No. 11598 of June 16, 1971, is hereby superseded.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 29 sections 816, 871, 882.

§ 2013. Eligibility requirements for veterans under certain Federal manpower training programs.

Any (1) amounts received as pay or allowances by any person while serving on active duty, (2) period of time during which such person served on such active duty, and (3) amounts received under chapters 11, 13, 31, 34, 35, and 36 of this title by a veteran (as defined in section 101(2) of this title) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, and any amounts received by an eligible person under chapters 13 and 35 of such title, shall be disregarded in determining the needs or qualifications of participants in any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower training (or related) program financed in whole or in part with Federal funds. (Added Pub. L. 92–540, title V, § 503(a), Oct. 24, 1972, 86 Stat. 1097.)

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in the text, is classified to section 2701 et seq. of Title 42, The Public Health and Welfare.

The Manpower Development and Training Act of 1962, referred to in the text, was classified to section 2571 et seq. of Title 42, was repealed by Pub. L. 93–203, § 614, and is now covered by section 801 et seq. of Title 29, Labor.

CODIFICATION

Prior sections 2013 and 2014 were renumbered sections 2004 and 2005, respectively, by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

EFFECTIVE DATE

Section effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92–540, set out as a note under section 2001 of this title.

§ 2014. Employment within the Federal Government.

(a) It is the policy of the United States and the purpose of this section to promote the maximum of employment and job advancement opportunities within the Federal Government for qualified disabled veterans and veterans of the Vietnam era.

(b) To further this policy, veterans of the Vietnam era shall be eligible, in accordance with regulations which the Civil Service Commission shall prescribe, for veterans readjustment appointments up to and including the level GS–5, as specified in subchapter II of chapter 51 of title 5,[1] and subsequent career-conditional appointments, under the terms and conditions specified in Executive Order Numbered 11521 (March 26, 1970), except that in applying the one-year period of eligibility specified in section 2(a) of such order to a veteran or disabled veteran who enrolls, within one year following separation from the Armed Forces or following release from hospitalization or treatment immediately following separation from the Armed Forces, in a program of education (as defined in section 1652 of this title) on more than a half-time basis (as defined in section 1788 of this title), the time spent in such program of education (including customary periods of vacation and permissible absences) shall not be counted. The eligibility of such a veteran for a readjustment appointment shall continue for not less than six months after such veteran first ceases to be enrolled therein on more than a half-time basis. No veterans readjustment appointment may be made under authority of this subsection after June 30, 1978.

(c) Each department, agency, and instrumentality in the executive branch shall include in its affirmative action plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality as required by section 501(b) of Public Law 93–112 (87 Stat. 391), a separate specification of plans (in accordance with regulations which the Civil Service Commission shall prescribe in consultation with the Administrator, the Secretary of Labor, and the Secretary of Health, Education, and Welfare, consistent with the purposes, provisions, and priorities of such Act) to promote and carry out such affirmative action with respect to disabled veterans in order to achieve the purpose of this section.

(d) The Civil Service Commission shall be responsible for the review and evaluation of the implementation of this section and the activities of each such department, agency, and instrumentality to carry out the purpose and provisions of this section. The Commission shall periodically obtain and publish (on at least a semiannual basis) reports on such implementation and activities from each such department, agency, and instrumentality, including specification of the use and extent of appointments made under subsection (b) of this section and the results of the plans required under subsection (c) thereof.

(e) The Civil Service Commission shall submit to the Congress annually a report on activities carried out under this section, except that, with respect to subsection (c) of this section, the Commission may include a report of such activities separately in the report required to be submitted by section 501(d) of such Public Law 93–112, regarding the employment of handicapped individuals by each department, agency, and instrumentality.

(f) Notwithstanding section 2011 of this title, the terms "veteran" and "disabled veteran" as used in this section shall have the meaning provided for under generally applicable civil service law and regulations. (Added Pub. L. 93–508, title IV, § 403 (a), Dec. 3, 1974, 88 Stat. 1593.)

REFERENCES IN TEXT

Executive Order Numbered 11521 (March 26, 1970), referred to in subsec. (b), is set out as a note under section 3302 of Title 5, Government Organization and Employees.

Section 501(b) of Pub. L. 93–112 (87 Stat. 391), referred to in subsec. (c), is section 791(b) of Title 29, Labor.

Section 501(d) of such Pub. L. 93–112, referred to in subsec. (e), is section 791(d) of Title 29.

Civil service law, referred to in subsec. (f), is set forth in Title 5, Government Organization and Employees. For definition of the terms "veteran" and "disabled veteran" under general applicable civil service law, see section 2108 of Title 5.

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

Chapter 43.—VETERANS' REEMPLOYMENT RIGHTS

Sec.
2021. Right to reemployment of inducted persons; benefits protected.
2022. Enforcement procedures.
2023. Reemployment by the United States, territory, possession, or the District of Columbia.
2024. Rights of persons who enlist or are called to active duty; Reserves.
2025. Assistance in obtaining reemployment.
2026. Prior rights for reemployment.

AMENDMENTS

1974—Pub. L. 93–508, title IV, § 404(a), Dec. 3, 1974, 88 Stat. 1594 added chapter 43 heading and section analysis.

§ 2021. Right to reemployment of inducted persons; benefits protected.

(a) In the case of any person who is inducted into the Armed Forces of the United States under the Military Selective Service Act (or under any prior or subsequent corresponding law) for training and service and who leaves a position (other than a temporary position) in the employ of any employer in order to perform such training and service, and (1) receives a certificate described in section 9(a) of the Military Selective Service Act (relating to the satisfactory completion of military service), and (2) makes application for reemployment within ninety days after such person is relieved from such training

[1] So in original. Probably should be "as specified in chapter 51 of title 5".

and service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its territories, or possessions, or political subdivisions thereof, or the District of Columbia, such person shall—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position, by reason of disability sustained during such service, but qualified to perform the duties of any other position in the employ of the employer, be offered employment and, if such person so requests, be employed in such other position the duties of which such person is qualified to perform as will provide such person like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in such person's case;

(B) if such position was in the employ of a State, or political subdivision thereof, or a private employer, such person shall—

(i) if still qualified to perform the duties of such position, be restored by such employer or his successor in interest to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service, but qualified to perform the duties of any other position in the employ of such employer or his successor in interest, be offered employment and, if such person so requests, be employed by such employer or his successor in interest in such other position the duties of which such person is qualified to perform as will provide such person like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in such person's case,

unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so. Nothing in this chapter shall excuse noncompliance with any statute or ordinance of a State or political subdivision thereof establishing greater or additional rights or protections than the rights and protections established pursuant to this chapter.

(b)(1) Any person who is restored to or employed in a position in accordance with the provisions of clause (A) or (B) of subsection (a) of this section shall be considered as having been on furlough or leave of absence during such person's period of training and service in the Armed Forces, shall be so restored or reemployed without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration or reemployment.

(2) It is hereby declared to be the sense of the Congress that any person who is restored to or employed in a position in accordance with the provisions of clause (A) or (B) of subsection (a) of this section should be so restored or reemployed in such manner as to give such person such status in his employment as he would have enjoyed if such person had continued in such employment continuously from the time of such person's entering the Armed Forces until the time of such person's restoration to such employment, or reemployment.

(3) Any person who holds a position described in clause (A) or (B) of subsection (a) of this section shall not be denied retention in employment or any promotion or other incident or advantage of employment because of any obligation as a member of a Reserve component of the Armed Forces.

(c) The rights granted by subsections (a) and (b) of this section to persons who left the employ of a State or political subdivision thereof and were inducted into the Armed Forces shall not diminish any rights such persons may have pursuant to any statute or ordinance of such State or political subdivision establishing greater or additional rights or protections. (Added Pub.L. 93–508, title IV, § 404(a), Dec. 3, 1974, 88 Stat. 1594.)

REFERENCES IN TEXT

The Military Selective Service Act, referred to in subsec. (a), is classified to section 451 et seq. of the Appendix to Title 50, War and National Defense.

Section 9(a) of the Military Selective Service Act, referred to in subsec. (a), is section 459(a) of Title 50, Appendix.

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a not under section 1652 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2022 to 2024 of this title.

§ 2022. Enforcement procedures.

If any employer, who is a private employer or a State or political subdivision thereof, fails or refuses to comply with the provisions of section 2021 (a), (b)(1), or (b)(3), or section 2024, the district court of the United States for any district in which such private employer maintains a place of business, or in which such State or political subdivision thereof exercises authority or carries out its functions, shall have the power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. Any such compensation shall be in addition to and shall not be deemed to diminish any of the benefits provided for in such provisions. The court shall order speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States attorney or comparable official for any district in which such private employer maintains a place of business, or in which such State or political subdivision thereof exercises authority or carries out its functions, by any person claiming to be entitled to the benefits provided for in such provisions, such United States attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and

act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof specifically to require such employer to comply with such provisions. No fees or court costs shall be taxed against any person who may apply for such benefits. In any such action only the employer shall be deemed a necessary party respondent. No State statute of limitations shall apply to any proceedings under this chapter. (Added Pub. L. 93–508, title IV, § 404(a) Dec. 3, 1974, 88 Stat. 1596.)

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

§ 2023. Reemployment by the United States, territory, possession, or the District of Columbia.

(a) Any person who is entitled to be restored to or employed in a position in accordance with the provisions of clause (A) of section 2021(a) and who was employed, immediately before entering the Armed Forces, by any agency in the executive branch of the Government or by any territory or possession, or political subdivision thereof, or by the District of Columbia, shall be so restored or reemployed by such agency or the successor to its functions, or by such territory, possession, political subdivision, or the District of Columbia. In any case in which, upon appeal of any person who was employed, immediately before entering the Armed Forces, by any agency in the executive branch of the Government or by the District of Columbia, the United States Civil Service Commission finds that—

(1) such agency is no longer in existence and its functions have not been transferred to any other agency; or

(2) for any reason it is not feasible for such person to be restored to employment by such agency or by the District of Columbia.

the Commission shall determine whether or not there is a position in any other agency in the executive branch of the Government or in the government of the District of Columbia for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be offered employment and, if such person so requests, be employed in such position by the agency in which such position exists or by the government of the District of Columbia, as the case may be. The Commission is authorized and directed to issue regulations giving full force and effect to the provisions of this section insofar as they relate to persons entitled to be restored to or employed in positions in the executive branch of the Government or in the government of the District of Columbia, including persons entitled to be reemployed under the last sentence of subsection (b) of this section. The agencies in the executive branch of the Government and the government of the District of Columbia shall comply with such rules, regulations, and orders issued by the Commission pursuant to this subsection. The Commission is authorized and directed whenever it finds, upon appeal of the person concerned, that any agency in the executive branch of the Government or the government of the District of Columbia has failed or refuses to comply with the provisions of this section, to issue an order specifically requiring such agency or the government of the District of Columbia to comply with such provisions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amounts received by such person through other employment, unemployment compensation, or readjustment allowances. Any such compensation ordered to be paid by the Commission shall be in addition to and shall not be deemed to diminish any of the benefits provided for in such provisions, and shall be paid by the head of the agency concerned or by the government of the District of Columbia out of appropriations currently available for salary and expenses of such agency or government, and such appropriations shall be available for such purpose. As used in this chapter, the term "agency in the executive branch of the Government" means any department, independent establishment, agency, or corporation in the executive branch of the United States Government (including the United States Postal Service and the Postal Rate Commission).

(b) Any person who is entitled to be restored to or employed in a position in accordance with the provisions of clause (A) of section 2021(a), and who was employed, immediately before entering the Armed Forces, in the legislative branch of the Government, shall be so restored or employed by the officer who appointed such person to the position which such person held immediately before entering the Armed Forces. In any case in which it is not possible for any such person to be restored to or employed in a position in the legislative branch of the Government and such person is otherwise eligible to acquire a status for transfer to a position in the competitive service in accordance with section 3304 (c) of title 5, the United States Civil Service Commission shall, upon appeal of such person, determine whether or not there is a position in the executive branch of the Government for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be offered employment and, if such person so requests, be employed in such position by the agency in which such position exists.

(c) Any person who is entitled to be restored to or employed in a position in accordance with the provisions of clause (A) of section 2021(a) and who was employed, immediately before entering the Armed Forces, in the judicial branch of the Government, shall be so restored or reemployed by the officer who appointed such person to the position which such person held immediately before entering the Armed Forces. (Added Pub. L. 93–508, title IV, § 404(a), Dec. 3, 1974, 88 Stat. 1596.)

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

§ 2024. Rights of persons who enlist or are called to active duty; Reserves.

(a) Any person who, after entering the employment on the basis of which such person claims restoration or reemployment, enlists in the Armed Forces of the United States (other than in a Reserve component) shall be entitled upon release from service under honorable conditions to all of the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of the Military Selective Service Act (or prior or subsequent legislation providing for the involuntary induction of persons into the Armed Forces), if the total of such person's service performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any service, additional or otherwise, performed by such person after August 1, 1961, does not exceed five years, and if the service in excess of four years after August 1, 1961, is at the request and for the convenience of the Federal Government (plus in each case any period of additional service imposed pursuant to law).

(b)(1) Any person who, after entering the employment on the basis of which such person claims restoration or reemployment, enters upon active duty (other than for the purpose of determining physical fitness and other than for training), whether or not voluntarily, in the Armed Forces of the United States or the Public Health Service in response to an order or call to active duty shall, upon such person's relief from active duty under honorable conditions, be entitled to all of the reemployment rights and benefits provided for by this chapter in the case of persons inducted under the provisions of the Military Selective Service Act (or prior or subsequent legislation providing for the involuntary induction of persons into the Armed Forces), if the total of such active duty performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any such active duty, additional or otherwise, performed after August 1, 1961, does not exceed four years (plus in each case any additional period in which such person was unable to obtain orders relieving such person from active duty).

(2) Any member of a Reserve component of the Armed Forces of the United States who voluntarily or involuntarily enters upon active duty (other than for the purpose of determining physical fitness and other than for training) or whose active duty is voluntarily or involuntarily extended during a period when the President is authorized to order units of the Ready Reserve or members of a Reserve component to active duty shall have the service limitation governing eligibility for reemployment rights under subsection (b)(1) of this section extended by such member's period of such active duty, but not to exceed that period of active duty to which the President is authorized to order units of the Ready Reserve or members of a Reserve component. With respect to a member who voluntarily enters upon active duty or whose active duty is voluntarily extended, the provisions of this subsection shall apply only when such additional active duty is at the request and for the convenience of the Federal Government.

(c) Any member of a Reserve component of the Armed Forces of the United States who is ordered to an initial period of active duty for training of not less than three consecutive months shall, upon application for reemployment within thirty-one days after (1) such member's release from such active duty for training after satisfactory service, or (2) such member's discharge from hospitalization incident to such active duty for training, or one year after such member's scheduled release from such training, whichever is earlier, be entitled to all reemployment rights and benefits provided by this chapter for persons inducted under the provisions of the Military Selective Service Act (or prior or subsequent legislation providing for the involuntary induction of persons into the Armed Forces), except that (A) any person restored to or employed in a position in accordance with the provisions of this subsection shall not be discharged from such position without cause within six months after that restoration, and (B) no reemployment rights granted by this subsection shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim under those provisions of title 5 relating to veterans and other preference eligibles.

(d) Any employee not covered by subsection (c) of this section who holds a position described in clause (A) or (B) of section 2021(a) shall upon request be granted a leave of absence by such person's employer for the period required to perform active duty for training or inactive duty training in the Armed Forces of the United States. Upon such employee's release from a period of such active duty for training or inactive duty training, or upon such employee's discharge from hospitalization incident to that training, such employee shall be permitted to return to such employee's position with such seniority, status, pay, and vacation as such employee would have had if such employee had not been absent for such purposes. Such employee shall report for work at the beginning of the next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of training to the place of employment following such employee's release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control. Failure to report for work at such next regularly scheduled working period shall make the employee subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absence from scheduled work. If such an employee is hospitalized incident to active duty for training or inactive duty training, such employee shall be required to report for work at the beginning of the next regularly scheduled work period after expiration of the time necessary to travel from the place of discharge from hospitalization to the place of employment, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control, or within one year after such employee's release from active duty for training or inactive duty training, whichever is earlier. If an employee covered by this subsection is not qualified to perform the duties of such employee's position by reason of disability

sustained during active duty for training or inactive duty training, but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, such employee shall be offered employment and, if such person so requests, be employed by that employer or his successor in interest in such other position the duties of which such employee is qualified to perform as will provide such employee like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in such employee's case.

(e) Any employee not covered by subsection (c) of this section who holds a position described in clause (A) or (B) of section 2021(a) shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering, or determining, by a preinduction or other examination, physical fitness to enter the Armed Forces. Upon such employee's rejection, upon completion of such employee's preinduction or other examination, or upon such employee's discharge from hospitalization incident to such rejection or examination, such employee shall be permitted to return to such employee's position in accordance with the provisions of subsection (d) of this section.

(f) For the purposes of subsections (c) and (d) of this section, full-time training or other full-time duty performed by a member of the National Guard under section 316, 503, 504, or 505 of title 32, is considered active duty for training; and for the purpose of subsection (d) of this section, inactive duty training performed by that member under section 502 of title 32 or section 206, 301, 309, 402, of 1002 of title 37, is considered inactive duty training. (Added Pub. L. 93–508, title IV, § 404(a), Dec. 3, 1974, 88 Stat. 1598.)

REFERENCES IN TEXT

The Military Selective Service Act, referred to in subsecs. (a), (b), and (c), is classified to section 451 et seq. of the Appendix to Title 50, War and National Defense.

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub.L. 93–508, set out as a note under section 1652 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2022 of this title.

§ 2025. Assistance in obtaining reemployment.

The Secretary of Labor, through the Office of Veterans' Reemployment Rights, shall render aid in the replacement in their former positions or reemployment of persons who have satisfactorily completed any period of active duty in the Armed Forces or the Public Health Service. In rendering such aid, the Secretary shall use existing Federal and State agencies engaged in similar or related activities and shall utilize the assistance of volunteers. (Added Pub. L. 93–508, title IV, § 404(a), Dec. 3, 1974, 88 Stat. 1600.)

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

§ 2026. Prior rights for reemployment.

In any case in which two or more persons who are entitled to be restored to or employed in a position under the provisions of this chapter or of any other law relating to similar reemployment benefits left the same position in order to enter the Armed Forces, the person who left such position first shall have the prior right to be restored thereto or reemployed on the basis thereof, without prejudice to the reemployment rights of the other person or persons to be restored or reemployed. (Added Pub. L. 93–508, title IV, § 404(a), Dec. 3, 1974, 88 Stat. 1600.)

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 1652 of this title.

PART IV.—GENERAL ADMINISTRATIVE PROVISIONS

Chapter 51.—APPLICATIONS, EFFECTIVE DATES, AND PAYMENTS

§ 3010. Effective dates of awards.

* * * * *

(b)(1) The effective date of an award of disability compensation to a veteran shall be the day following the date of his discharge or release if application therefor is received within one year from such date of discharge or release.

(2) The effective date of an award of increased compensation shall be the earliest date as of which it is ascertainable that an increase in disability had occurred, if application is received within one year from such date.

(3) The effective date of an award of disability pension to a veteran shall be the date of application or the date on which the veteran became permanently and totally disabled, if an application therefor is received within one year from such date, whichever is to the advantage of the veteran.

* * * * *

(*l*) The effective date of an award of benefits to a widow based upon a termination of a remarriage by death or divorce, or of an award or increase of benefits based on recognition of a child upon termination of the child's marriage by death or divorce, shall be the date of death or the date the judicial decree or divorce becomes final, if an application therefor is received within one year from such termination.

* * * * *

(As amended Pub. L. 93–177, § 6(a), Dec. 6, 1973, 87 Stat. 696; Pub. L. 93–527, § 9(b), Dec. 21, 1974, 88 Stat. 1705; Pub. L. 94–71, title I, § 104, Aug. 5, 1975, 89 Stat. 396.)

AMENDMENTS

1975—Subsec. (b)(2). Pub. L. 94–71, § 104(2), added subsec. (b)(2). Former subsec. (b)(2) was redesignated (b)(3).

Subsec. (b)(3). Pub. L. 94–71, § 104(1), redesignated former subsec. (b)(2) as (b)(3).

1974—Subsec. (*l*). Pub. L. 93–527 added the provision relating to an award or increase of benefits based on recognition of a child upon termination of the child's marriage by death or divorce.

1973—Subsec. (b). Pub. L. 93–177 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94–71 effective Aug. 1, 1975, see section 301 of Pub. L. 94–71, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-527 effective Jan. 1, 1975, see section 10 of Pub. L. 93-527, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 6(b) of Pub. L. 93-177 provided that: "Subsection (a) of this section [enacting subsec. (b)(2) of this section] shall apply to applications filed after its effective date [Jan. 1, 1974], but in no event shall an award made thereunder be effective prior to such effective date [Jan. 1, 1974]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3110, 3503 of this title.

§ 3012. Effective dates of reductions and discontinuances.

* * * * *

(b) The effective date of a reduction or discontinuance of compensation, dependency and indemnity compensation, or pension—

* * * * *

(2) by reason of marriage, divorce, or death of a dependent of a payee shall be the last day of the calendar year in which such marriage, divorce, or death occurs;

* * * * *

(As amended Pub. L. 92-198, § 3, Dec. 15, 1971, 85 Stat. 664.)

AMENDMENTS

1971—Subsec. (b)(2). Pub. L. 92-198 substituted "last day of the calendar year" for "last day of the month".

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-198 effective Jan. 1, 1972, see section 6 of Pub. L. 92-198, set out as a note under section 521 of this title.

§ 3021. Payment of certain accrued benefits upon death of a beneficiary.

(a) Except as provided in sections 123—128 of title 31, periodic monetary benefits (other than insurance and servicemen's indemnity) under laws administered by the Veterans' Administration to which an individual was entitled at his death under existing ratings or decisions, or those based on evidence in the file at date of death (hereafter in this section and section 3022 of this title referred to as "accrued benefits") and due and unpaid for a period not to exceed one year, shall, upon the death of such individual be paid as follows:

* * * * *

(As amended Pub. L. 92-328, title I, § 105(b), June 30, 1972, 86 Stat. 395.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-328 struck out reference to section 3203(a)(2)(A) of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-328 effective on the first day of the second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92-328, set out as a note under section 314 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3022 of this title.

Chapter 53.—SPECIAL PROVISIONS RELATING TO BENEFITS

Sec.
3102. Waiver of recovery of claims by the United States.

AMENDMENTS

1972—Pub. L. 92-328, title II, § 203, June 30, 1972, 86 Stat. 397, substituted "claims by the United States" for "overpayments" in item 3102.

§ 3102. Waiver of recovery of claims by the United States.

(a) There shall be no recovery of payments or overpayments of any benefits under any of the laws administered by the Veterans' Administration whenever the Administrator determines that recovery would be against equity and good conscience, if an application for relief is made within two years from the date of notification of the indebtedness by the Administrator to the payee.

(b) With respect to any loan guaranteed, insured, or made under chapter 37 of this title, the Administrator may waive payment of an indebtedness to the Veterans' Administration by the veteran (as defined in sections 101 and 1801), or his spouse, following default and loss of the property, where the Administrator determines that collection of such indebtedness would be against equity and good conscience.

(c) The Administrator may not exercise his authority under subsection (a) or (b) of this section to waive recovery of any payment or the collection of any indebtedness if, in his opinion, there exists in connection with the claim for such waiver an indication of fraud, misrepresentation, material fault, or lack of good faith on the part of the person or persons having an interest in obtaining a waiver of such recovery or the collection of such indebtedness.

(d) No certifying or disbursing officer shall be liable for any amount paid to any person where the recovery of such amount is waived under subsection (a) or (b).

(e) Where the recovery of a payment or overpayment made from the National Service Life Insurance Fund or United States Government Life Insurance Fund is waived under this section, the fund from which the payment was made shall be reimbursed from the National Service Life Insurance appropriation or the military and naval insurance appropriation, as applicable. (As amended Pub. L. 92-328, title II, § 202(a), June 30, 1972, 86 Stat. 396.)

AMENDMENTS

1972—Pub. L. 92-328 in the section catchline substituted "claims by the United States" for "overpayments", in subsec. (a) struck out "(except servicemen's indemnity)" following "any benefits", struck out provisions relating to recovery of benefits from any person without fault on his part, and added provisions relating to an application for relief made within two years from the date of notification of the indebtedness by the Administrator to the payee, added subsecs. (b) and (c), redesignated former subsec. (b) as (d), and as so redesignated, added reference to subsec. (b), and redesignated former subsec. (c) as (e).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-328 effective on June 30, 1972, see section 301(c) of Pub. L. 92-328, set out as a note under section 210 of this title.

For effective date of Pub. L. 92-328, see Effective Date of 1972 Amendment notes set out under sections 210, 314, and 334 of this title.

APPLICABILITY OF WAIVER AUTHORITY TO IMPROPER PAYMENTS, OVERPAYMENTS, AND INDEBTEDNESS ESTABLISHED BY THE ADMINISTRATOR PRIOR TO EFFECTIVE DATE OF PUB. L. 92-328

Section 202(b) of Pub. L. 92-328 provided that: "The waiver authority provided by section 3102(a) of title 38, United States Code, as amended by subsection (a) of this section [subsec. (a) of this section] shall apply to improper payments, overpayments, and indebtedness established by the Administrator prior to the effective date of this Act if application for relief was pending on the date of enactment of this Act [June 30, 1972], or such an application is made within two years from the date of enactment of this Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1780, 1817 of this title.

§ 3107. Apportionment of benefits.

* * * * *

(c) If a veteran is not living with his wife, or if any of his children are not in his custody, any subsistence allowance payable to him under chapter 31 of this title or that portion of the educational assistance allowance payable on account of dependents under chapter 34 of this title may be apportioned as may be prescribed by the Administrator. (As amended Pub. L. 92-540, title V, § 505, Oct. 24, 1972, 86 Stat. 1099.)

AMENDMENTS

1972—Subsec. (c). Pub. L. 92-540 added provisions relating to that portion of the educational assistance allowance payable on account of dependents under chapter 34 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92-540, set out as a note under section 2001 of this title.

Chapter 55.—MINORS, INCOMPETENTS, AND OTHER WARDS

§ 3202. Payments to and supervision of guardians.

(a) Where it appears to the Administrator that the interest of the beneficiary would be served thereby, payment of benefits under any law administered by the Veterans' Administration may be made directly to the beneficiary or to a relative or some other person for the use and benefit of the beneficiary, regardless of any legal disability on the part of the beneficiary. Where, in the opinion of the Administrator, any fiduciary receiving funds on behalf of a Veterans' Administration beneficiary is acting in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the beneficiaries, the Administrator may refuse to make future payments in such cases as he may deem proper.

* * * * *

(c) Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment of any fiduciary or other person for the purpose of payment of benefits payable under laws administered by the Veterans' Administration or the removal of such fiduciary and appointment of another, and of expenses in connection with the administration of such benefits by such fiduciaries, or in connection with any other court proceeding hereby authorized, when such payment is authorized by the Administrator.

(d) All or any part of any benefits the payment of which is suspended or withheld under this section may, in the discretion of the Administrator, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary, to be used solely for the benefit of such beneficiary, or, in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any, of such veteran. Any part not so paid and any funds of a mentally incompetent or insane veteran not paid to the chief officer of the institution in which such veteran is an inmate nor apportioned to his dependent or dependents may be ordered held in the Treasury to the credit of such beneficiary. All funds so held shall be disbursed under the order and in the discretion of the Administrator for the benefit of such beneficiary or his dependents. Any balance remaining in such fund to the credit of any beneficiary may be paid to him if he recovers and is found competent, or if a minor, attains majority, or otherwise to his guardian, curator, or conservator, or, in the event of his death, to his personal representative, except as otherwise provided by law; however, payment will not be made to his personal representative if, under the law of his last legal residence, his estate would escheat to the State. In the event of the death of a mentally incompetent or insane veteran, all gratuitous benefits under laws, administered by the Veterans' Administration deposited before or after the date of enactment of this sentence in the personal funds of patients trust fund on account of such veteran shall not be paid to the personal representative of such veteran, but shall be paid to the following persons living at the time of settlement, and in the order named: The surviving spouse, the children (without regard to age or marital status) in equal parts, and the dependent parents of such veteran, in equal parts. If any balance remains, such balance shall be deposited to the credit of the applicable current appropriation; except that there may be paid only so much of such balance as may be necessary to reimburse a person (other than a political subdivision of the United States) who bore the expenses of last sickness or burial of the veteran for such expenses. No payment shall be made under the two preceding sentences of this subsection unless claim therefor is filed with the Veterans' Administration within five years after the death of the veteran, except that, if any person so entitled under said two sentences is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability.

(e) Any funds in the hands of a fiduciary appointed by a State court or the Veterans' Administration derived from benefits payable under laws administered by the Veterans' Administration, which under the law of the State wherein the beneficiary had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such fiduciary, or by the personal representative of the deceased beneficiary, less legal expenses of any administration necessary to determine that an escheat is in order, to the Veterans'

Administration, and shall be deposited to the credit of the applicable revolving fund, trust fund, or appropriation.

(f), (g). Repealed. Pub. L. 93–295, title III, § 301 (d), May 31, 1974, 88 Stat. 184.

(As amended Pub. L. 92–328, title I, § 105(a), June 30, 1972, 86 Stat. 395; Pub. L. 93–295, title III, § 301, May 31, 1974, 89 Stat. 183.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–295, § 301(a), among other changes, substituted provisions authorizing the Administrator, where it appears to him that the interests of the beneficiary would be served thereby, to pay benefits directly to the beneficiary or to a relative or some other person for the use and benefit of the beneficiary, regardless of any legal disability on the part of the beneficiary, for provisions which authorized payments to the guardians, curators, conservators, or persons otherwise legally vested with the care or estate of the minor or of a person mentally incompetent or under other legal disability, and eliminated provisions which permitted payment of benefits direct to the person entitled thereto prior to receipt of notice that such person is under a legal disability adjudged by a court, and which permitted the Administrator to determine the person legally vested with the care of the claimant or his estate where no guardian, curator or conservator has been appointed.

Subsec. (c). Pub. L. 93–295, § 301(b), substituted "fiduciary or other person for the purpose of payment of benefits payable under laws administered by the Veterans' Administration" for "guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate", and "such benefits" for "such estates."

Subsec. (e). Pub. L. 93–295, § 301(c), substituted "hands of a fiduciary appointed by a State court or the Veterans' Administration derived from" for "hands of a guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, derived from", and "such fiduciary" for "such guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate."

Subsecs. (f), (g). Pub. L. 93–295, § 301 (d), repealed subsec. (f) which permitted the Administrator, in the case of any incompetent veteran having no guardian, to pay compensation, pension or retirement pay to the wife of such veteran for the use of the veteran and his dependents, and subsec. (g) which permitted payment of death benefits to a widow for herself and child or children, if any, notwithstanding that she may be a minor.

1972—Subsec. (d). Pub. L. 92–328 added provisions relating to filing for death benefit payments.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective on the first day of the second calendar month following May 31, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective on the first day of the second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92–328, set out as a note under section 314 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 314, 1701 of this title.

§ 3203. Hospitalized veterans and estates of incompetent institutionalized veterans.

(a)(1) Where any veteran having neither wife nor child is being furnished hospital treatment, institutional, or domiciliary care by the Veterans' Administration, no pension in excess of $50 per month shall be paid to or for the veteran for any period after (a) the end of the second full calendar month following the month of admission for treatment or care or (b) readmission for treatment or care within six months following termination of a period of treatment or care of not less than two full calendar months.

(2) The provisions of paragraph (1) shall also apply to a veteran being furnished such care who has a wife but whose pension is payable under section 521(b) of this title. In such a case, the Administrator may apportion and pay to the wife, upon an affirmative showing of hardship, all or any part of the amounts in excess of the amount payable to the veteran while being furnished such care which would be payable to him if pension were payable under section 521(c) of this title.

(b)(1) In any case in which a veteran having neither wife nor child is being furnished hospital treatment, institutional or domiciliary care without charge or otherwise by the United States, or any political subdivision thereof, is rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, and his estate from any source equals or exceeds $1,500, further payments of pension, compensation, or emergency officers' retirement pay shall not be made until the estate is reduced to $500. The amount which would be payable but for this paragraph shall be paid to the veteran in a lump sum; however, no payment of a lump sum herein authorized shall be made to the veteran until after the expiration of six months following a finding of competency and in the event of the veteran's death before payment of such lump sum no part thereof shall be payable.

(2) Where any benefit is discontinued by reason of paragraph (1) of this subsection the Administrator may nevertheless apportion and pay to the dependent parents of the veteran on the basis of need all or any part of the benefit which would otherwise be payable to or for such incompetent veteran. Paragraph (1) of this subsection shall not prevent the payment, out of any remaining amounts discontinued under that paragraph, on account of any veteran of so much of his pension, compensation, or retirement pay as equals the amount charged to the veteran for his current care and maintenance in the institution in which treatment or care is furnished him, but not more than the amount determined by the Administrator to be the proper charge as fixed by any applicable statute or valid administrative regulation.

(3) All or any part of the pension, compensation, or retirement pay payable on account of any incompetent veteran who is being furnished hospital treatment, institutional or domiciliary care may, in the discretion of the Administrator, be paid to the chief officer of the institution wherein the veteran is being furnished such treatment or care, to be properly accounted for by such chief officer and to be used for the benefit of the veteran.

(c) Any veteran subject to the provisions of subsection (b) shall be deemed to be single and without dependents in the absence of satisfactory evidence to the contrary. In no event shall increased compensation, pension, or retirement pay of such veteran be granted for any period more than one year before receipt of satisfactory evidence showing such

veteran has a wife, child, or dependent parent.

(d) Notwithstanding any other provision of this section or any other provision of law, no reduction shall be made in the pension of any veteran for any part of the period during which he is furnished hospital treatment, or institutional or domiciliary care, for Hansen's disease, by the United States or any political subdivision thereof.

(e) Where any veteran in receipt of an aid and attendance allowance described in section 314(r) of this title is hospitalized at Government expense, such allowance shall be discontinued from the first day of the second calendar month which begins after the date of his admission for such hospitalization for so long as such hospitalization continues. Any discontinuance required by administrative regulation, during hospitalization of a veteran by the Veterans' Administration, of increased pension based on need of regular aid and attendance or additional compensation based on need of regular aid and attendance as described in subsection (l) or (m) of section 314 of this title, shall not be effective earlier than the first day of the second calendar month which begins after the date of the veteran's admission for hospitalization. In case a veteran affected by this subsection leaves a hospital against medical advice and is thereafter admitted to hospitalization within six months from the date of such departure, such allowance, increased pension, or additional compensation, as the case may be, shall be discontinued from the date of such readmission for so long as such hospitalization continues. (As amended Pub. L. 92–328, title I, § 104, June 30, 1972, 86 Stat. 394; Pub. L. 93–177, § 5, Dec. 6, 1973, 87 Stat. 696.)

AMENDMENTS

1973—Subsec. (a)(1). Pub. L. 93–177 substituted "$50" for "$30".

1972—Subsec. (a). Pub. L. 92–328, § 104(a), (b), struck out subsec. (a), which related to the payment of compensation or retirement pay to veterans being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration. Former subsec. (d) was redesignated as (a).

Subsec. (b)(1). Pub. L. 92–328, § 104(c), redesignated subsec. (b)(2) as (b)(1), and as so redesignated, added provisions relating to the rating by the Veterans' Administration of a veteran as incompetent by reason of mental illness and provisions relating to the payment of a lump sum to the veteran until after the expiration of six months following the finding of competency of the veteran. Former subsec. (b)(1), which related to the payment of compensation or retirement pay pursuant to the provisions of former subsec. (a) of this section to veterans rated by the Veterans' Administration as incompetent, was struck out.

Subsec. (b)(2). Pub. L. 92–328, § 104(c),(d), redesignated subsec. (b)(3) as (b)(2), and as so redesignated, substituted "(1)" for "(2)" wherever appearing therein. Former subsec. (b)(2) was redesignated as (b)(1).

Subsec. (b)(3). Pub. L. 92–328, § 104(d), redesignated subsec. (b)(4) as (b)(3). Former subsec. (b)(3) was redesignated as (b)(2) and amended.

Subsec. (b)(4). Pub. L. 92–328, § 104(d), redesignated subsec. (b)(4) as (b)(3).

Subsec. (c). Pub. L. 92–328, § 104(e), struck out "(a) or" following "subsection".

Subsec. (d). Pub. L. 92–328, § 104(b), (f), redesignated subsec. (e) as (d), and as so redesignated, struck out ", compensation, or retirement pay" following "pension". Former subsec. (d) was redesignated as (a).

Subsec. (e). Pub. L. 92–328, § 104(f), (g), redesignated subsec. (f) as (e). Former subsec. (e) was redesignated as (d).

Subsec. (f). Pub. L. 92–328, § 104(g), redesignated subsec. (f) as (e).

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–177 effective Jan. 1, 1974, see section 8 of Pub. L. 93–177, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective on the first day of the second calendar month which begins after June 30, 9172, see section 301(a) of Pub. L. 92–328, set out as a note under section 314 of this title.

For effective date of Pub. L. 92–328, see Effective Date of 1972 Amendment notes set out under sections 210, 314, and 334 of this title.

PAYMENT OF LUMP SUM COMPENSATION OR RETIREMENT PAY TO VETERANS WITHHELD PURSUANT TO PROVISIONS IN EFFECT ON THE DAY BEFORE THE EFFECTIVE DATE OF PUB. L. 92–328

Section 106 of Pub. L. 92–328 provided that: "All compensation or retirement pay which is being withheld pursuant to the provisions of subsections (a) and (b)(1) of section 3203, title 38, United States Code, in effect on the day before the effective date of this Act [former subsecs. (a) and (b)(1) of this section], shall be paid to the veteran, if competent, in a lump sum. If the veteran is incompetent, the withheld amounts shall be paid in a lump sum, or successive lump sums, subject to the $1,500 and $500 limitations of subsection (b)(1) of such section 3203 as amended by this Act [subsec. (b)(1) of this section]. If a competent veteran dies before payment is made the withheld amounts shall be paid according to the order of precedence, and subject to the time limitation, of subsection (a)(2) of such section 3203 in effect the day, before the effective date of this Act [former subsec. (a)(2) of this section]. In the event of the death of an incompetent veteran before payment of all withheld amounts, no part of the remainder shall be payable."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 314 of this title.

Chapter 57.—RECORDS AND INVESTIGATIONS

§ 3301. Confidential nature of claims.

All files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Veterans' Administration and the names and addresses of present or former personnel of the armed services, and their dependents, in the possession of the Veterans' Administration shall be confidential and privileged, and no disclosure thereof shall be made except as follows:

* * * * * *

(9) the Administrator may, pursuant to regulations he shall prescribe, release the names and addresses of present or former personnel of the armed services, and/or dependents to any nonprofit organization but only if the release is directly connected with the conduct of programs and the utilization of benefits under this title. Any such organization or member thereof which uses such names and addresses for purposes other than those specified in this clause shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of subsequent offenses.

(As amended Pub. L. 92–540, title IV, § 412, Oct. 24, 1972, 86 Stat. 1093.)

AMENDMENTS

1972—Pub. L. 92–540 in the introductory material added reference to the names and addresses of present or

former personnel of the armed forces, and their dependents, in the possession of the Veterans' Administration, and added par. (9).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3302, 4005 of this title.

Chapter 59.—AGENTS AND ATTORNEYS

§ 3402. Recognition of representatives of organizations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 243 of this title.

Chapter 61.—PENAL AND FORFEITURE PROVISIONS

§ 3503. Forfeiture for fraud.

* * * * *

(d) (1) After September 1, 1959, no forfeiture of benefits may be imposed under this section or section 3504 of this title upon any individual who was a resident of, or domiciled in, a State at the time the act or acts occurred on account of which benefits would, but not for this subsection, be forfeited unless such individual ceases to be a resident of, or domiciled in, a State before the expiration of the period during which criminal prosecution could be instituted. This subsection shall not apply with respect to (a) any forfeiture occurring before September 1, 1959, or (b) an act or acts which occurred in the Philippine Islands prior to July 4, 1946.

(2) The Administrator is hereby authorized and directed to review all cases in which, because of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, a forfeiture of gratuitous benefits under laws administered by the Veterans' Administration was imposed, pursuant to this section or prior provisions of law, on or before September 1, 1959. In any such case in which he determines that the forfeiture would not have been imposed under the provisions of this section in effect after September 1, 1959, he shall remit the forfeiture, effective the date of enactment of this amendatory Act. Benefits to which the individual concerned becomes eligible by virtue of any such remission may be awarded, upon application therefor, and the effective date of any award of compensation, dependency and indemnity compensation, or pension made in such a case shall be fixed in accordance with the provisions of section 3010(g) of this title.

* * * * *

(As amended Pub. L. 92–328, title II, § 206, June 30, 1972, 86 Stat. 397.)

REFERENCES IN TEXT

The date of enactment of this amendatory Act, referred to in subsec. (d)(1), means the date of enactment of Pub. L. 92–328, which was approved June 30, 1972.

AMENDMENTS

1972—Subsec. (d). Pub. L. 92–328 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective on June 30, 1972, see section 301(c) of Pub. L. 92–328, set out as a note under section 210 of this title.

§ 3504. Forfeiture for treason.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3503 of this title.

§ 3505. Forfeiture for subversive activities.

(a) Any individual who is convicted after the date of enactment of this section of any offense listed in subsection (b) of this section shall, from and after the date of commission of such offense, have no right to gratuitous benefits (including the right to burial in a national cemetery) under laws administered by the Veterans' Administration based on periods of military, naval, or air service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such individual. After receipt of notice of the return of an indictment for such an offense the Veterans' Administration shall suspend payment of such gratuitous benefits pending disposition of the criminal proceedings. If any individual whose right to benefits has been terminated pursuant to this section is granted a pardon of the offense by the President of the United States, the right to such benefits shall be restored as of the date of such pardon.

(b) The offenses referred to in subsection (a) of this section are those offenses for which punishment is prescribed (1) in the following provisions of title 18, United States Code: sections 792, 793, 794, 798, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chapter 105; (2) in the Uniform Code of Military Justice, articles 94, 104, and 106; (3) in the following sections of the Atomic Energy Act of 1954; sections 222, 223, 224, 225, and 226; and (4) in section 4 of the Internal Security Act of 1950.

* * * * *

(As amended Pub. L. 92–128, § 2(c), Sept. 25, 1971, 85 Stat. 348; Pub. L. 93–43, § 8, June 18, 1973, 87 Stat. 88.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–43 inserted "(including the right to burial in a national cemetery)" after "gratuitous benefits" in the first sentence.

1971—Subsec. (b)(4). Pub. L. 92–128 substituted "in section 4 of the Internal Security Act of 1950" for "in the following sections of the Internal Security Act of 1950; sections 4, 112, and 113".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–43 effective June 18, 1973, see section 10(a) of Pub. L. 93–43, set out as a note under section 1000 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1002 of this title.

PART V.—BOARDS AND DEPARTMENTS

Chapter 73.—DEPARTMENT OF MEDICINE AND SURGERY

SUBCHAPTER I—ORGANIZATION; GENERAL

Sec.
4101. Functions of Department.
4102. Divisions of Department.
4103. Office of the Chief Medical Director.
4104. Additional appointments.
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4112. Special Medical Advisory Group; other advisory bodies.
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SUBCHAPTER II—REGIONAL MEDICAL EDUCATION CENTERS

4121. Designation of Regional Medical Education Centers.
4122. Supervision and staffing of Centers.
4123. Personnel eligible for training.
4124. Consultation.

AMENDMENTS

1975—Pub. L. 94–123, § 2(d)(2), Oct. 22, 1975, 89 Stat. 673, added item 4118.

1973—Pub. L. 93–82, title II, § 204(b), Aug. 2, 1973, 87 Stat. 192, substituted "Personnel administration" for "Administration" in item 4108.

1972—Pub. L. 92–541, § 3(b), Oct. 24, 1972, 86 Stat. 1108, designated existing sections as subchapter I and added subchapter II.

SUBCHAPTER I.—ORGANIZATION: GENERAL

§ 4101. Functions of Department.

* * * * *

(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and in order to assist in providing an adequate supply of health manpower to the Nation, the Administrator shall, to the extent feasible without interfering with the medical care and treatment of veterans, develop and carry out a program of education and training of such health manpower (including the developing and evaluating of new health careers, interdisciplinary approaches and career advancement opportunities), and shall carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as physicians' assistants, dentists' assistants, and other medical technician (including advising all such qualified veterans and servicemen about to be discharged or released from active duty of such employment opportunities), acting in cooperation with such schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions; other institutions of higher learning; medical centers; academic health centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate.

(c)(1) Within ninety days after enactment of this subsection, the Administrator, in consultation with the Chief Medical Director, is directed to conclude negotiations for an agreement with the National Academy of Sciences under which such Academy (utilizing its full resources and expertise) will conduct an extensive review and appraisal of personnel and other resource requirements in Veterans' Administration hospitals, clinics, and other medical facilities to determine a basis for the optimum numbers and categories of such personnel and other resources needed to insure the provisions to eligible veterans of high quality care in all hospital, medical domiciliary, and nursing home facilities. Such agreement shall provide that (A) at the earliest feasible date interim reports and the final report will be submitted by the National Academy of Sciences to the Administrator, the President of the Senate, and the Speaker of the House of Representatives, and (B) the final report will be submitted no later than tweny-four months after the date of the agreement except that the Administrator, in consultation with the Chief Medical Director and after consultation with the House and Senate Committees on Veterans' Affairs, may permit an extension up to twelve additional months.

(2) Within ninety days after the submission of the final report described in subsection (a) of this section, the Administrator shall submit to the Senate and House Committees on Veterans' Affairs a detailed report of his views on the National Academy of Sciences' findings and recommendations submitted in such report, including (A) the steps and timetable therefor (to be carried out in not less than three years) he proposes to take to implement such findings and recommendations and (B) any disagreements, and the reasons therefor, with respect to such findings and recommendations.

(3) The Administrator shall cooperate fully with the National Academy of Sciences, and make available to the Academy all such staff, information, records, and other assistance, and shall set aside for such purposes such sums, as are necessary to insure the success of the study. (As amended Pub. L. 93–82, title II, § 201, Aug. 2, 1973, 87 Stat. 187.)

REFERENCES IN TEXT

Ninety days after enactment of this subsection, referred to in subsec. (c), means ninety days after the enactment of Pub. L. 92–83, which was approved Aug. 2, 1973.

AMENDMENTS

1973—Subsec. (b). Pub. L. 93–82 authorized the Administrator to develop and carry out a program of education and training of health manpower and to carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as physicians' assistants, dentists' assistants, and other medical technicians, and advise qualified veterans and servicemen about to be discharged or released from active duty of such employment opportunities, acting in cooperation with such schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions and such others as the Administrator deems appropriate.

Subsec. (c). Pub. L. 93–82 added subsec. (c).

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 216, 1904, 4121, 5070, 5096 of this title.

§ 4103. Office of the Chief Medical Director.

(a) The Office of the Chief Medical Director shall consist of the following—

* * * * *

(4) Not to exceed eight Assistant Chief Medical Directors, who shall be appointed by the Administrator upon the recommendations of the Chief Medical Director. Not more than two Assistant Chief Medical Directors may be individuals qualified in the administration of health services

who are not doctors of medicine, dental surgery, or dental medicine. One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service.

* * * * *

(7) A Director of Pharmacy Service, a Director of Dietetic Service, and a Director of Optometry, appointed by the Administrator.

* * * * *

(As amended Pub. L. 93–82, title II, § 202, Aug. 2, 1973, 87 Stat. 188.)

AMENDMENTS

1973—Subsec. (a)(4). Pub. L. 92–83, § 202(1), increased the number of Assistant Chief Medical Directors to eight and added provision that not more than two such Directors may be individuals qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicine.

Subsec. (a)(7). Pub. L. 93–82, § 202(2), substituted "A Director of Pharmacy Service, a Director of Dietic Service, and a Director of Optometry" for "A Chief Pharmacist, and a Chief Dietitian".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4107, 4111, 4113 of this title.

§ 4104. Additional appointments.

There shall be appointed by the Administrator additional personnel as he may find necessary for the medical care of veterans, as follows:

(1) Physicians, dentists, nurses, physicians' assistants, and expanded-duty dental auxiliaries;

* * * * *

(As amended Pub. L. 94–123, § 5(a), Oct. 22, 1975, 89 Stat. 675.)

AMENDMENTS

1975—Par. (1). Pub. L. 94–123 added physicians' assistants, and expanded-duty dental auxiliaries.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 6(b) of Pub. L. 94–123 provided that: "Except as provided in subsection (a)(1) of this section, the amendments made by this Act [amending this section and sections 4105, 4106, 4107(e)(5), 4107(f), and 4108 of this title and enacting provisions set out as notes under section 4118 of this title] shall become effective beginning the first pay period following thirty days after the date of the enactment of his Act [Oct. 22, 1975]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4114 of this title.

§ 4105. Qualifications of appointees.

(a) Any person to be eligible for appointment to the following positions in the Department of Medicine and Surgery must have the applicable qualifications:

* * * * *

(8) Physicians' assistants and expanded-duty dental auxiliaries shall have such medical or dental and technical qualifications and experience as the Administrator shall prescribe.

(b) Except as provided in section 4114 of this title, no person may be appointed in the Department of Medicine and Surgery as a physician, dentist, nurse, physicians' assistant, or expanded-duty dental auxiliary unless such person is a citizen of the United States. (As amended Pub. L. 94–123, § 5(b), Oct. 22, 1975, 89 Stat. 675.)

AMENDMENTS

1975—Subsec. (a)(8). Pub. L. 94–123, § 5(b)(1), added subsec. (a)(8).

Subsec. (b). Pub. L. 94–123, § 5(b)(2), substituted "nurse, physicians' assistant, or expanded-duty dental auxiliary unless such person is a citizen of the United States" for "or nurse unless he is a citizen of the United States".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94–123 effective beginning the first pay period following 30 days after Oct. 22, 1975, see section 6(b) of Pub. L. 94–123, set out as a note under section 4104 of this title.

§ 4106. Period of appointments; promotions.

* * * * *

(f) The provisions of this section shall apply to physicians' assistants and expanded-duty dental auxiliaries. (As amended Pub. L. 94–123, § 5(c), Oct. 22, 1975, 89 Stat. 675.)

AMENDMENTS

1975—Subsec. (f). Pub. L. 94–123 added subsec. (f).

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94–123 effective beginning the first pay period following 30 days after Oct. 22, 1975, see section 6(b) of Pub. L. 94–123, set out as a note under section 4104 of this title.

§ 4107. Grades and pay scales.

(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title shall be as follows:

SECTION 4103 SCHEDULE

Chief Medical Director, $54,000.

Deputy Chief Medical Director, $52,000.

Associate Deputy Chief Medical Director, $50,000.

Assistant Chief Medical Director, $48,654.

Medical Director, $42,066 minimum to $47,674 maximum.

Director of Nursing Service, $36,103 minimum to $40,915 maximum.

Director of Chaplain Service, $31,203 minimum to $39,523 maximum.

Director of Pharmacy Service, $31,203 minimum to $39,523 maximum.

Director of Dietetic Service, $31,203 minimum to $39,523 maximum.

Director of Optometry, $31,203 minimum to $39,523 maximum.

(b)(1) The grades and per annum full-pay ranges for positions provided for in paragraph (1) of section 4104 of this title shall be as follows:

PHYSICIAN AND DENTIST SCHEDULE

Director grade, $36,338 minimum to $46,026 maximum.

Executive grade, $33,736 minimum to $43,861 maximum.

Chief grade, $31,309 minimum to $40,705 maximum.

Senior grade, $26,861 minimum to $34,916 maximum.

Intermediate grade, $22,906 minimum to $29,782 maximum.

Full grade, $19,386 minimum to $25,200 maximum.

Associate grade, $16,255 minimum to $21,133 maximum.

NURSE SCHEDULE

Director grade, $26,898 minimum to $34,971 maximum.

Assistant Director grade, $23,088 minimum to $30,018 maximum.

Chief grade, $19,700 minimum to $25,613 maximum.

Senior grade, $16,682 minimum to $21,686 maximum.

Intermediate grade, $13,996 minimum to $18,190 maximum.

Full grade, $11,614 minimum to $15,097 maximum.

Associate grade, $10,012 minimum to $13,018 maximum.

Junior grade, $8,572 minimum to $11,146 maximum.

(2) No person may hold the director grade in the "Physician and Dentist Schedule" unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position.

* * * * *

(d) Notwithstanding any other provision of law, and except as provided in section 4118 of this title, pay may not be paid at a rate in excess of the rate of basic pay for an appropriate level authorized by section 5314, 5315, or 5316 of title 5 for positions in the Executive Schedule, as follows:

(1) Level III for the Chief Medical Director;

(2) Level IV for the Deputy Chief Medical Director; and

(3) Level V for all other positions for which such basic pay is paid under this section.

(e)(1) In addition to the basic compensation provided for nurses in subsection (b)(1) of this section, a nurse shall receive additional compensation as provided by paragraphs (2) through (8) of this subsection.

(2) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional compensation for each hour of service on such tour at a rate equal to 10 per centum of the employee's basic hourly rate, if at least four hours of such tour fall between 6 postmeridian and 6 antemeridian. When less than four hours of such tour fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of work performed between those hours.

(3) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, shall receive additional compensation for each hour of service on such tour at a rate equal to 25 per centum of such nurse's basic hourly rate.

(4) A nurse performing service on a holiday designated by Federal statute or Executive order shall receive such nurse's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay, for that holiday work, including overtime work. Any service required to be performed by a nurse on such a designated holiday shall be deemed to be a minimum of two hours in duration.

(5) A nurse performing officially ordered or approved hours of service in excess of forty hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service; the overtime rates shall be one and one-half times such nurse's basic hourly rate, not to exceed one and one-half times the basic hourly rate for the minimum rate of Intermediate grade of the Nurse Schedule. For the purposes of this paragraph, overtime must be of at least fifteen minutes duration in a day to be creditable for overtime pay. Compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted, except as voluntarily requested in writing by the nurse in question. Any excess service performed under this paragraph on a day when service was not scheduled for such nurse, or for which such nurse is required to return to her place of employment, shall be deemed to be a minimum of two hours in duration.

(6) For the purpose of computing the additional compensation provided by paragraph (2), (3), (4), or (5) of this subsection, a nurse's basic hourly rate shall be derived by dividing such nurse's annual rate of basic compensation by two thousand and eighty.

(7) When a nurse is entitled to two or more forms of additional pay under paragraph (2), (3), (4), or (5) for the same period of duty, the amounts of such additional pay shall be computed separately on the basis of such nurse's basic hourly rate of pay, except that no overtime pay as provided in paragraph (5) shall be payable for overtime service performed on a holiday designated by Federal statute or Executive order in addition to pay received under paragraph (4) for such service.

(8) A nurse who is officially scheduled to be on call outside such nurse's regular hours shall be compensated for each hour of such on-call duty, except for such time as such nurse may be called back to work, at a rate equal to 10 per centum of the hourly rate for excess service as provided in paragraph (5) of this subsection.

(9) Any additional compensation paid pursuant to this subsection shall not be considered as basic compensation for the purposes of subchapter VI and section 5595 of subchapter IX of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits based on basic compensation.

(f) Under standards which the Administrator shall prescribe in regulations, physicians' assistants and expanded-duty dental auxiliaries shall be compensated by use of Nurse Schedule grade titles and related pay ranges and shall be entitled to additional pay on the same basis as provided for nurses in paragraphs (2) through (8) of subsection (e) of this section. (As amended Pub. L. 93–82, title II, § 203, Aug. 2, 1973, 87 Stat. 188; Pub. L. 94–123, §§ 2(b), 5(d), Oct. 22, 1975, 89 Stat. 669, 675.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–123, § 2(b)(1), (2), substituted "section 4103 of this title, shall be" for "section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be", and in section 4103 schedule added "Chief Medical Director, $54,000." and "Deputy Chief Medical Director, $52,000.", substi-

tuted $50,000 for the pay of Associate Deputy Chief Medical Director for such pay by reference to the annual rate provided in section 5316 of Title 5 for positions in level V of the Executive Schedule, increased the pay of Assistant Chief Medical Director from $41,734 to $48,654 and also increased the minimum and maximum pay of Medical Director from $36,103, and $40,915 to $42,066 and $47,674 respectively.

Subsec. (b)(1). Pub. L. 94–123, § 2(b)(3), increased the salary minimums and maximums for all positions in "Physician and Dentist Schedule".

Subsec. (d). Pub. L. 94–123, § 2(b)(4), substituted provisions limiting with the exception in section 4118 of this title, the pay of Chief Medical Director at level III contained in section 5314 of Title 5, the pay of Deputy Chief Medical Director at level IV contained in section 5315 of Title 5, and for all other positions for which basic pay is paid under this section at level V contained in section 5316 of Title 5 for provisions limiting pay under this section by reference to section 5308 of Title 5.

Subsec. (e)(5). Pub. L. 94–123, § 5(d)(1), substituted provisions that compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted except as voluntarily requested in writing by the nurse in question for provisions that compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted.

Subsec. (f). Pub. L. 94–123, § 5(d)(2), added subsec. (f).

1973—Subsec. (a). Pub. L. 93–82, § 203(a), substituted provisions for the pay scale of Associate Deputy Chief Medical Director to be at the annual rate provided in section 5316 of Title 5 for positions in level V of the Executive Schedule, for "$36,000", substituted "Director of Pharmacy Service" for "Chief Pharmacist", "Director of Dietetic Service" for "Chief Dietitian", added "Director of Optometry, $31,203 minimum to $39,523 maximum", and increased the minimum and maximum for all positions in section 4103 schedule.

Subsec. (b). Pub. L. 93–82, 203(b)(1), in par. (1), increased the salary maximums and minimums for all positions in "Physician and Dentist Schedule" and "Nurse Schedule" and added "Director Grade, $26,898 minimum to $34,971 maximum" in the Nurse Schedule, and in par. (2), substituted "the director grade in the Physician and Dentist Schedule" for "the director grade".

Subsecs. (d), (e). Pub. L. 93–82, § 203(b)(2), added subsecs. (d) and (e).

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment of subsecs. (a), (b), and (d) by section 2(b) of Pub. L. 94–123 effective on Oct. 12, 1975, see section 6(a)(1) of Pub. L. 94–123, set out as a note under section 4118 of this title.

Amendment of subsecs. (e)(5) and (f) by enactment of section 5 of Pub. L. 94–123 effective beginning the first pay period following 30 days after Oct. 22, 1975, see section 6(b) of Pub. L. 94–123, set out as a note under section 4104 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective beginning the first pay period following thirty days after Aug. 2, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

ADJUSTMENT OF PAY RATES

Prevention of reductions in pay for any officer or employee of United States by reason of effective date of 1972 Federal pay comparability adjustments, see Pub. L. 93–549, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11811

Ex. Ord. No. 11811, Oct. 7, 1975, 39 F.R. 3602, formerly set out as a note under this section, which provided for the adjustment of pay rates effective Oct. 1, 1974, was superseded by Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 5332 of Title 5, Government Organization and Employees.

ADJUSTMENT OF PAY RATES EFFECTIVE OCTOBER 1, 1975

Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 5332 of Title 5, Government Organization and Employees, provided for an adjustment of pay rates under this section effective Oct. 1, 1975. See Schedule set out below:

	Minimum	Maximum
Section 4103 schedule:		
Associate Deputy Chief Medical Director	(1)	*$37,800
Assistant Chief Medical Director	(1)	**48,654
Medical Director	**42,066	**47,674
Director of Nursing Service	**42,066	**47,674
Director of Chaplain Service	36,338	**46,026
Director of Pharmacy Service	36,338	**46,026
Director of Dietetic Service	36,338	**46,026
Director of Optometry	36,338	**46,026
Physician and dentist schedule:		
Director grade	36,338	**46,026
Executive grade	33,736	**43,861
Chief grade	31,309	**40,705
Senior grade	26,861	34,916
Intermediate grade	22,906	29,782
Full grade	19,386	25,200
Associate grade	16,255	21,133
Nurse schedule:		
Director grade	31,309	**40,705
Assistant Director grade	26,861	34,916
Chief grade	22,906	29,782
Senior grade	19,386	25,200
Intermediate grade	16,255	21,133
Full grade	13,482	17,523
Associate grade	11,623	15,106
Junior grade	9,946	12,934

[1] Single rate.

*The rate of basic pay for this position is set by law at the annual rate provided for positions in level V of the Executive Schedule (as of the effective date of this schedule, $37,800).

**The rate of basic pay for employees at these rates is limited by section 5308 of title 5 of the United States Code to the rate for level V of the Executive Schedule (as of the effective date of this schedule, $37,800).

EXECUTIVE ORDER NO. 11524

Ex. Ord. No. 11524, Apr. 15, 1970, 35 F.R. 6247, set out in part under this section, which provided for the adjustment of pay rates effective first pay period on or after Dec. 27, 1969, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11576

Ex. Ord. No. 11576, Jan. 8, 1971, 36 F.R. 347, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1971, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11637

Ex. Ord. No. 11637, Dec. 22, 1971, 36 F.R. 24911, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1972, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11691

Ex. Ord. No. 11691, Dec. 15, 1972, 37 F.R. 27607, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1973, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11739

Ex. Ord. No. 11739, Oct. 3, 1973, 38 F.R. 27581, formerly set out in part under this section, which provided for the adjustment of pay rates effective Oct. 1, 1973, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4118 of this title.

§ 4108. Personnel administration.

(a) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by reg-

ulation the hours and conditions of employment and leaves of absence of physicians, dentists, nurses, physicians' assistants, and expanded-duty dental auxiliaries appointed to the Department of Medicine and Surgery, except that the hours of employment in carrying out responsibilities under this title of any physician, dentist (other than an intern or resident appointed pursuant to section 4114 of this title), nurse, physicians' assistant, or expanded-duty dental auxiliary appointed on a full-time basis who accepts responsibilities for carrying out professional services for remuneration other than those assigned under this title, shall consist of not less than eighty hours in a biweekly pay period (as that term is used in section 5504 of title 5), and no such person may—

(1) assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Veterans' Administration facility, except in those cases where the individual, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed one hundred and eighty calendar days, which may be extended by the Chief Medical Director for additional periods not to exceed one hundred and eighty calendar days each;

(2) teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with his responsibilities under this title;

(3) accept payment under any insurance or assistance program established under subchapter XVIII, or XIX of chapter 7 of title 42, or under chapter 55 of title 10 for professional services rendered by him while carrying out his responsibilities under this title;

(4) accept from any source, with respect to any travel performed by him in the course of carrying out his responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5;

(5) request or permit any individual or organization to pay, on his behalf for insurance insuring him against malpractice claims arising in the course of carrying out his responsibilities under this title or for his dues or similar fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of his remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title; and

(6) perform, in the course of carrying out his responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for his personal benefit, or both, and in the case of any such fund or account established before the effective date of this subsection—

(A) the affiliated institution shall submit semiannually an accounting to the Administrator and to the Comptroller General of the United States with respect to such fund or account, and thereafter shall maintain such fund or account subject to full public disclosure and audit by the Administrator and the Comptroller General for a period of three years or for such longer period as the Administrator shall prescribe, and

(B) no physician, dentist, nurse, physicians' assistant, or expanded-duty dental auxiliary may receive, after the effective date of this subsection, any cash from amounts deposited in such fund or account derived from services performed prior to the effective date of this subsection.

(b) As used in this section, the term "affiliated institution" means any medical school or other institution of higher learning with which the Administrator has a contract or agreement pursuant to section 4112(b) of this title for the training or education of health manpower.

(c) As used in this section, the term "remuneration" means the receipt of any amount of monetary benefit from any non-Veterans' Administration source in payment for carrying out any professional responsibilities. (Added Pub. L. 93–82, title II, § 204(a), Aug. 2, 1973, 87 Stat. 190, and amended Pub. L. 94–123, § 5(e), Oct. 22, 1975, 89 Stat. 675.)

PRIOR PROVISIONS

A prior section 4108, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1246; Pub. L. 86–568, title I, § 114(g), July 1, 1960, 74 Stat. 301; Pub. L. 87–574, § 3, Aug. 6, 1962, 76 Stat. 308; Pub. L. 87–793, § 803(a), Oct. 11, 1962, 76 Stat. 860, relating to Administration, was repealed by section 204(a) of Pub. L. 93–82.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–123 in provisions preceding cl. (1), extended the authority of the Administrator to prescribe by regulation the hours and conditions of employment and leaves of absence of physicians' assistants, and expanded-duty dental auxiliaries, substituted "nurse, physicians' assistant, or expanded-duty dental auxiliary appointed on a full-time basis" for "or nurse appointed on a full-time basis", and in cl. (6)(B), substituted "nurse, physicians' assistant, or expanded-duty dental auxiliary may receive" for "or nurse may receive".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94–123 effective beginning the first pay period following 30 days after Oct. 22, 1975, see section 6(b) of Pub. L. 94–123, set out as a note under section 4104 of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 4109. Retirement rights.

Persons appointed to the Department of Medicine and Surgery shall be subject to the provisions of and entitled to benefits under chapter 83 of title 5. (As amended Pub. L. 93–82, title II, § 205(a), Aug. 2, 1973, 87 Stat. 192.)

AMENDMENTS

1973—Pub. L. 93–82 substituted "chapter 83 of title 5" for "the Civil Service Retirement Act".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 4112. Special Medical Advisory Group and Other Advisory Bodies.

* * * * *

(b) In each case where the Administrator has a contract or agreement with any school, institution of higher learning, medical center, hospital, or other public or nonprofit agency, institution, or organization, for the training or education of health manpower, he shall establish an advisory committee (that is, deans committee, medical advisory committee or the like). Such advisory committee shall advise the Administrator and the Chief Medical Director with respect to policy matters arising in connection with, and the operation of, the program with respect to which it was appointed and may be established on an institutionwide, multidisciplinary basis or on a regional basis whenever such is found to be feasible. Members of each such advisory committee shall be appointed by the Administrator and shall include personnel of the Veterans' Administration and of the entity with which the Administrator has entered into such contract or agreement. The number of members and terms of members of each advisory committee shall be prescribed by the Administrator. (As amended Pub. L. 93–82, title II, § 205(b), Aug. 2, 1973, 87 Stat. 192.)

AMENDMENTS

1973—Subsec. (b). Pub. L. 93–82 substituted "training or education of health manpower" for "training or education of health service personnel".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organziation and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4108, 4124, 5055, 5070 of this title.

§ 4114. Temporary full-time, part-time, and without compensation appointments; residences or internships.

(a)(1) * * *

* * * * *

(3)(A) Temporary full-time appointments of physicians, dentists, and nurses may exceed ninety days only if the Chief Medical Director finds that circumstances render it impracticable to obtain the necessary services through appointments under paragraph (1) of section 4104 of this title. Temporary full-time appointments of persons who have successfully completed a full course of nursing in a recognized school of nursing, approved by the Administrator, and are pending registration as a graduate nurse in a State, shall not exceed one year. Temporary full-time appointments of other personnel shall not exceed one year.

* * * * *

(b)(1) The Administrator shall have authority to establish residencies and internships; to appoint qualified persons to such positions without regard to civil-service or classification laws, rules, or regulations; and to prescribe the conditions of such employment, including necessary training, and the customary amount and terms of pay during the period of such employment and training.

(2) For the purposes of this title, the term "intern" shall include an internship or the equivalency thereof, as determined in accordance with regulations which the Administrator shall prescribe.

(3) In order to carry out more efficiently the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as a central administrative agency for this purpose. The Administrator may pay to such designated agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) stipends fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such central administrative agency to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by such intern and resident for the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the

hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded.

* * * * *

(e) The program of training prescribed by the Administrator in order to qualify a person for the position of full-time physician's assistant or dentist's assistant shall be considered a full-time institutional program for purposes of chapter 34 of this title. The Administrator may consider training for such a position to be on a less than full-time basis for purposes of such chapter when the combined classroom (and other formal instruction) portion of the program and the on-the-job training portion of the program total less than 30 hours per week. (As amended Pub. L. 93–82, title II, § 206, Aug. 2, 1973, 87 Stat. 192.)

REFERENCES IN TEXT

The civil service laws, referred to in subsecs. (a) and (b)(1), are set out in section 3301 et seq. of Title 5, Government Organization and Employees. The classification laws are set out in sections 5101 et seq., and 5331 et seq. of Title 5.

Chapter 21 of the Internal Revenue Code of 1954, referred to in subsec. (b)(3), is set out as chapter 21 (section 3101 et seq.) of Title 26, Internal Revenue Code.

AMENDMENTS

1973—Subsec. (a)(3)(A). Pub. L. 93–82, § 206(1), increased the period for which temporary appointments can be made from ninety days to one year.

Subsec. (b). Pub. L. 93–82, § 206(2), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (e). Pub. L. 93–82, § 206(3), added subsec. (e).

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4105, 4108, 4111, 4113 of this title; title 5 section 5102.

§ 4116. Defense of certain malpractice and negligence suits.

(a) The remedy—

(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.

* * * * *

(c) Upon a certification by the Attorney General that the defendant was acting in the scope of his employment in or for the Department of Medicine and Surgery at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court.

* * * * *

(e) The Administrator may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of this section apply (as directed in subsection (a) of this section), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, if such person is assigned to a foreign country, detailed to State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States, provided by sections 1346(b) and 2672 of title 28, for such damage or injury. (As amended Pub. L. 93–82, title II, § 207, Aug. 2, 1973, 87 Stat. 193.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–82, § 207(1), extended protection to cases where Federal Tort Claims actions would not lie, but actions could still be brought against Veterans' Administration employee personally for actions arising in the exercise of his duties, and added reference to physicians' assistants and dentists' assistants.

Subsec. (c). Pub. L. 93–82, § 207(2), substituted provisions that after removal to the federal district court, the United States shall have all defenses to which it would have been entitled if the action was originally commenced against the United States and that should the court find that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case be remanded to the state court, for provisions that should the district court determine that the case was one in which a remedy under subsec. (a) of this section was not available, the case be remanded to the state court.

Subsec. (e). Pub. L. 93–82, § 207(3), added subsec. (e).

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 4117. Contracts for scarce medical specialist services.

The Administrator may enter into contracts with medical schools, clinics, and any other group or

individual capable of furnishing such services to provide scarce medical specialist services at Veterans' Administration facilities (including, but not limited to, services of physicians, dentists, nurses, physicians' assistants, dentists' assistants, technicians, and other medical support personnel). (As amended Pub. L. 93–82, title II, § 208, Aug. 2, 1973, 87 Stat. 194.)

AMENDMENTS

1973—Pub. L. 93–82 extended the authority of the Administrator to enter into contracts with any group or individual capable of furnishing the required services, and substituted "physicians, dentists, nurses, physicians' assistants, dentists' assistants, technicians, and other medical support personnel" for "radiologists, pathologists, and psychiatrists".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 4118. Special pay for physicians and dentists.

(a)(1) Notwithstanding the provisions of section 4107(d) or any other provision of law, in order to recruit and retain highly qualified physicians and dentists in the Department of Medicine and Surgery, the Administrator, pursuant to the provisions of this section and regulations which he shall prescribe hereunder, shall provide, in addition to any pay or allowance to which such physician or dentist is entitled, special pay in an amount not more than (A) $13,500 per annum to any physician employed in the Department of Medicine and Surgery, or (B) $6,750 per annum to any dentist so employed, except as provided in paragraphs (2) and (3) of this subsection, upon the execution, and for the duration of, a written agreement by such physician or dentist to complete a specified number of years of service in the Department.

(2) Special pay may not be paid under this section to any physician or dentist who—

(A) is employed on less than a half-time or intermittent basis,

(B) occupies an internship or residency training position, or

(C) is a reemployed annuitant.

(3) The Chief Medical Director, pursuant to such regulations, may determine categories of positions applicable to both physicians and dentists in the Department of Medicine and Surgery as to which there is no significant recruitment and retention problem. Physicians and dentists serving in such positions shall not be eligible for special pay under this section.

(b) The Administrator shall exercise the authority contained in this section to provide—

(1) the maximum amount of such special pay to the Chief Medical Director and Deputy Chief Medical Director;

(2) primary special pay of $5,000 to any eligible full-time physician, or $2,500 to any eligible full-time dentist, appointed under this chapter; and

(3) a proportional amount of primary special pay of $5,000 to any eligible part-time physician, or of $2,500 to any eligible part-time dentist, appointed under this chapter, which proportional amount shall be calculated on the basis of the proportion which the part-time employment in the Department of Medicine and Surgery of such physician or dentist bears to full-time employment.

(c) The Administrator shall, in accordance with such regulations, provide, in addition to the primary special pay provided for in subsection (b) of this section, incentive special pay of no more than $8,500 to any eligible physician, or $4,250 to any eligible dentist, described in clauses (2) and (3) of subsection (b) of this section. In prescribing regulations to carry out this subsection, the Administrator shall take into account only the following factors and may pay no more than the following per annum amounts of incentive special pay to any full-time physician eligible therefor, one-half the following per annum amounts to any full-time dentist eligible therefor (except that the full amount as specified in clause (1)(A)(iii) may be paid), or a proportional amount of the following per annum amounts to any part-time physician or dentist to the extent eligible therefor which proportional amount shall be calculated on the basis of the proportion which the part-time employment in the Department of Medicine and Surgery of such physician or dentist bears to full-time employment:

(1)(A)(i) full time status, $2,000, and

(ii) tenure of service within the Department of Medicine and Surgery as follows:

(aa) completion of probationary period or three years, whichever is the lesser, $1,000, or

(bb) completion of seven years, $2,000; and

(iii) scarcity of medical or dental specialty, $2,000; or

(B) professional responsibility as follows:

(i) Service Chief not in a scarce medical or dental specialty or Associate Chief of Staff, $5,500,

(ii) Service Chief in a scarce medical or dental specialty, $7,000,

(iii) Chief of Staff or Executive Grade, $7,000,

(iv) Director Grade or Deputy Service Director, $7,250,

(v) Service Director, $7,500,

(vi) Deputy Assistant Chief Medical Director, $8,000, or

(vii) Associate Deputy Chief Medical Director or Assistant Chief Medical Director, $8,500; and

(2) continuing education certification, $500.

(d)(1) The annual rate of special pay provided pursuant to this section shall be reduced by an amount calculated as of the effective date of an agreement entered into under this section, as follows: the difference between the annual rate of basic pay for the grade and step of a physician or dentist in effect and payable on the day before the effective date of this section and the annual rate of basic pay in effect and payable on such effective date for such grade and step.

(2) No part-time physician may be paid an aggregate amount of basic pay, pursuant to the rates applicable on the effective date of this section to physicians employed under this title, and special pay under this section in excess of $42,000 per annum, and no part-time dentist may be paid an aggregate amount of basic pay, pursuant to the rates applicable on the effective date of this section to dentists em-

ployed under this title, and special pay under this section in excess of $37,000 per annum.

(e)(1) Any agreement entered into by a physician or dentist under this section shall be with respect to a period of one year of service in the Department of Medicine and Surgery unless the physician or dentist requests an agreement for a longer period of service not to exceed four years.

(2)(A) Any such agreement shall provide that the physician or dentist, in the event that such physician or dentist voluntarily, or because of misconduct, fails to complete at least one year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the Chief Medical Director, pursuant to the regulations prescribed under this section, determines that such failure is necessitated by circumstances beyond the control of the physician or dentist.

(B) Any such agreement shall specify the terms under which the Veterans' Administration and the physician or dentist may elect to terminate such agreement.

(3) Any amount of special pay payable under this section shall be paid in biweekly installments.

(4)(A) Any physician or dentist who is employed in the Department of Medicine and Surgery on or before the effective date of this section and who enters into an agreement under this section during the forty-five-day period beginning on the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 is entitled to special pay beginning on the effective date of this section.

(B) Any physician or dentist who becomes employed in the Department of Medicine and Surgery after the effective date of this section and who enters into an agreement under this section before the close of the forty-five-day period beginning on the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 is entitled to special pay beginning on the date on which the physician or dentist becomes employed.

(C) Any physician or dentist who becomes employed in the Department fo Medicine and Surgery after the close of the forty-five-day period beginning on the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975, or who does not enter into any agreement under this section before the close of such 45-day period, and who thereafter enters into an agreement under this section is entitled to special pay beginning on the date on which the agreement is entered into, or the date on which the physician or dentist becomes employed, whichever date is later.

(f) Any additional compensation provided as special pay under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits related to basic pay. (Added Pub. L. 94–123, § 2(d)(1), Oct. 22, 1975, 89 Stat. 670.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (d)(1), (2), (e)(4)(A), (B), is Oct. 12, 1975. See effective date note below.

The date of enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975, referred to in subsec. (e)(4)(A), (B), (C), is the date of enactment of Pub. L. 94–123, which was approved on October 22, 1975.

EFFECTIVE DATE

Section 6(a)(1) of Pub. L. 94–123 provided that: "The amendments made by section 2 of this Act [enacting this section, amending section 4107 of this title and sections 5314 and 5315 of Title 5, and enacting provisions set out as a note under this section] shall become effective on October 12, 1975."

SHORT TITLE

Section 1 of Pub. L. 94–123 provided: "That this Act [enacting this section, amending sections 4104 to 4108 of this title and sections 5314 and 5315 of Title 5, and enacting provisions set out as notes under this section and section 4104 of this title] may be cited as the 'Veterans' Administration Physician and Dentist Pay Comparability Act of 1975'."

CONGRESSIONAL FINDINGS AND DECLARATIONS OF PURPOSE

Section 2(a) of Pub. L. 94–123 provided that: "The Congress hereby finds and declares (1) that the ceiling on the salary of physicians employed in the Department of Medicine and Surgery due to the Federal salary limitation under the Executive Schedule rates of pay in title 5, United States Code [set out in section 5311 et seq. of Title 5], accompanied by the sharp escalation in the cost of living since those rates of pay were last increased in 1969, has seriously impaired the recruitment and retention of qualified physicians by the Department of Medicine and Surgery in the Veterans' Administration; and (2) that the compensation provided to physicians and dentists in the Department of Medicine and Surgery has been rendered noncompetitive by virtue of the payment of special pay of up to $13,500 per annum, in addition to basic compensation and other benefits, to certain medical officers, and monthly special and continuation pay cumulating approximately half such amount to certain dental officers, of the uniformed services, pursuant to title 37 of the United States Code and Public Law 93–274 [which enacted sections 302b and 313 of Title 37 and amended sections 302 and 311 of Title 37]. The Congress further finds and declares that these recruitment and retention difficulties have created an inequitable and demoralizing situation in the Department of Medicine and Surgery that threatens to erode seriously the ability of the Department to compete for the services of necessary health care professionals and thereby to continue to provide quality health care eligible to veterans."

REVIEW OF SPECIAL PAY PROGRAM; REPORTS TO CONGRESSIONAL COMMITTEES

Section 3 of Pub. L. 94–123 provided that:

"The Administrator of Veterans' Affairs shall submit a report each year to the Committees on Veterans' Affairs of the House of Representatives and the Senate regarding the operation of the special pay program authorized by section 4118 of title 38, United States Code, as added by section 2(d)(1) of this Act [this section]. The report shall be on a fiscal year basis and shall contain—

"(1) a review of the program to date for the fiscal year during which the report is submitted and for such portion of the preceding fiscal year as was not included in the previous annual report; and

"(2) any plan in connection with the program for the remainder of such fiscal year and for the succeeding fiscal year.

This report shall be submitted no later than April 30 of each year."

RECRUITMENT, RETENTION, PAY, AND ALLOWANCES OF PHYSICIANS AND DENTISTS; REPORTS TO CONGRESSIONAL COMMITTEES

Section 4 of Pub. L. 94–123 provided that:

"(a) No later than August 31, 1976, the Comptroller General of the United States and the Director of the Office of Management and Budget shall complete the following activities and shall each submit a report thereon to the Congress:

"(1) An investigation of the short-term and long-term problems facing the departments and agencies of

the Federal Government (including the uniformed services) in recruiting and retaining qualified physicians and dentists.

"(2) An evaluation of the extent to which the implementation of a uniform system of pay, allowances, and benefits for all physicians and dentists employed in such Federal departments and agencies would alleviate or solve such recruitment and retention problems.

"(3) An investigation and evaluation of such other solutions to such recruitment and retention problems as each deems appropriate.

"(4) On the basis of the investigations and evaluations required to be made under paragraphs (1), (2), and (3) of this subsection, (A) an identification of appropriate alternative suggested courses of legislative or administrative action (including proposed legislation) and cost estimates therefor, which in the judgment of the Comptroller General or Director, as the case may be, will solve such recruitment and retention problems, and (B) a recommendation, and justification therefor, of which such course should be undertaken.

"(b) The reports required by subsection (a) of this section shall also include—

"(1) a comprehensive analysis of—

"(A) the existing laws and regulations relating to the employment of physicians and dentists by such departments and agencies of the Government, including an analysis of the various pay systems established pursuant to such laws,

"(B) the existing physician and dentist recruitment, selection, utilization, and promotion practices of such departments and agencies, and

"(C) the degree to which the various pay systems referred to in subparagraph (A), the practices referred to in subparagraph (B), and other relevant departmental and agency practices are effective in alleviating or solving such recruitment and retention problems; and

"(2) a comparison of the remuneration received by physicians and dentists employed by such departments and agencies with the remuneration received by physicians and dentists in private practice or academic medicine who have equivalent professional or administrative qualifications, based upon information available through medical, dental, and health associations and other available sources.

"(c) In preparing their respective reports required by subsection (a) of this section, the Comptroller General and the Director of the Office of Management and Budget shall consult, to the maximum extent feasible, with each other as well as with the Administrator of Veterans' Affairs, the Secretary of Defense, the Secretary of Health, Education, and Welfare, the Chairman of the Civil Service Commission, and the heads of other appropriate Federal departments and agencies.

"(d) No later than March 1, 1977, the Comptroller General shall complete, and shall submit a report thereon to the Congress, a comprehensive investigation and analysis of recruitment and retention problems, both nationwide and geographically, of health care personnel other than physicians and dentists in the Department of Medicine and Surgery with respect to basic pay and premium and overtime pay rates.

"(e) The report required by subsection (d) of this section shall specify—

"(1) pay relationships which exist, both nationwide and geographically, between such personnel and similar employees of non-Federal health care facilities;

"(2) pay relationships which exist, both nationwide and geographically, among such personnel in the Department of Medicine and Surgery (including an analysis of the effect of differing pay systems);

"(3) the degree to which the pay relationships referred to in clauses (1) and (2) of this subsection create recruitment and retention or other personnel or related problems in the effective administration and achievement of the mission of the Department of Medicine and Surgery;

"(4) the degree to which existing title 38 and title 5, United States Code, authorities have been able to be exercised in a way adequate to deal with any such recruitment and retention and pay problems as to such personnel; and

"(5)(A) alternative suggested courses of legislative or administrative action (including proposed legislation) and cost estimates therefor, which in the judgment of the Comptroller General will alleviate or solve any such recruitment and retention and pay problems, and (B) a recommendation, and justification therefor, of which such course should be undertaken.

"(f) In preparting the report required by subsection (d) of this section, the Comptroller General shall consult with the Chief Medical Director of the Veterans' Administration and with the heads of other appropriate Federal departments and agencies.

"(g) The heads of all Federal departments and agencies shall fully cooperate with and respond expeditiously to all reasonable requests for information and assistance in connection with the preparation of the reports by this section.

"(h) The Administrator of Veterans' Affairs shall submit to the appropriate Committees of the House of Representatives and the Senate reports, prepared by the Chief Medical Director, specifying the effect on the administration and achievement of the mission of the Department of Medicine and Surgery of the alternative courses and recommended course of action identified in the reports required by this section. Each such report shall be submitted no later than one hundred and twenty days after the date on which such other report in question is submitted to the Congress."

SPECIAL PAY AGREEMENTS

Section 6(a)(2) of Pub. L. 94–123 provided that: "No agreement to provide special pay may be entered into pursuant to section 4118 of title 38, United States Code (as added by section 2(d)(1) of this Act) [this section], after October 11, 1976."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4107 of this title.

SUBCHAPTER II.—REGIONAL MEDICAL EDUCATION CENTERS

§ 4121. Designation of Regional Medical Education Centers.

(a) In carrying out his functions under section 4101 of this title with regard to the training of health manpower, the Administrator shall implement a pilot program under which he shall designate as Regional Medical Education Centers such Veterans' Administration hospitals as he determines appropriate to carry out the provisions of this subchapter in geographically dispersed areas of the United States.

(b) Each Regional Medical Education Center (hereinafter in this subchapter referred to as "Center") designated under subsection (a) of this section shall provide in-residence continuing medical and related education programs for medical and health personnel eligible for training under this subchapter, including (1) the teaching of newly developed medical skills and the use of newly developed medical technologies and equipment, (2) advanced clinical instruction, (3) the opportunity for conducting clinical investigations, (4) clinical demonstrations in the utilization of new types of health personnel and in the better utilization of the skills of existing health personnel, and (5) routine verification of basic medical skills and, where determined necessary, remediation of any deficiency in such skills. (Added Pub. L. 92–541, § 3(a), Oct. 24, 1972, 86 Stat. 1107.)

§ 4122. Supervision and staffing of Centers.

(a) Centers shall be operated under the supervision of the Chief Medical Director and staffed with personnel qualified to provide the highest quality in-

struction and training in various medical and health care disciplines.

(b) As a means of providing appropriate recognition to individuals in the career service of the Department of Medicine and Surgery who possess outstanding qualifications in a particular medical or health care discipline, the Chief Medical Director shall from time to time and for such period as he deems appropriate assign such individuals to serve as visiting instructors at Centers.

(c) Whenever he deems it necessary for the effective conduct of the program provided for under this subchapter, the Chief Medical Director is authorized to contract for the services of highly qualified medical and health personnel from outside the Veterans' Administration to serve as instructors at such Centers. (Added Pub. L. 92–541, § 3(a), Oct. 24, 1972, 86 Stat. 1107.)

§ 4123. Personnel eligible for training.

The Chief Medical Director shall determine the manner in which personnel are to be selected for training in the Centers. Preference shall be given to career personnel of the Department of Medicine and Surgery. To the extent that facilities are available, other medical and health personnel shall, on a fully reimbursable basis, be eligible for in-residence training in the Centers. (Added Pub. L. 92–541, § 3(a), Oct. 24, 1972, 86 Stat. 1107.)

§ 4124. Consultation.

The Chief Medical Director shall carry out the provisions of this subchapter after consultation with the special medical advisory group established pursuant to section 4112(a) of this title. (Added Pub. L. 92–541, § 3(a), Oct. 24, 1972, 86 Stat. 1108.)

Chapter 75.—VETERANS' CANTEEN SERVICE

§ 4204. Financing of Service.

To finance the establishment, maintenance, and operation of the Service there is hereby authorized to be appropriated, from time to time, such amounts as are necessary to provide for (1) the acquisition of necessary furniture, furnishings, fixtures, and equipment for the establishment, maintenance, and operation of canteens, warehouses, and storage depots; (2) stocks of merchandise and supplies for canteens and reserve stocks of same in warehouses and storage depots; (3) salaries, wages, and expenses of all employees; (4) administrative and operation expenses; and (5) adequate working capital for each canteen and for the Service as a whole. Amounts appropriated under the authority contained in this chapter, amounts heretofore appropriated to carry out Public Law 636, Seventy-ninth Congress, and all income from canteen operations become and will be administered as a revolving fund to effectuate the provisions of this chapter. (As amended Pub. L. 92–310, title II, § 209, June 6, 1972, 86 Stat. 204.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated words "and premiums on fidelity bonds of employees" from cl. (4).

§ 4207. Audit of accounts.

The Service shall maintain a set of accounts which shall be audited by the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950. (As amended Pub. L. 93–604, title VII, § 704, Jan. 2, 1975, 88 Stat. 1964.)

REFERENCES IN TEXT

The Accounting and Auditing Act of 1950, referred to in text, is classified to section 65 et seq. of Title 31, Money and Finance.

AMENDMENTS

1975—Pub. L. 93–604 substituted provisions that the Service maintain a set of accounts which shall be audited by the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950 for provisions that the Service maintain an integral set of accounts which shall be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial transactions as provided by sections 841–869 of Title 31 and that no other audit shall be required.

PART VI.—ACQUISITION AND DISPOSITION OF PROPERTY

Chap. Sec.
82. Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions 5070

AMENDMENTS

1972—Pub. L. 92–541, § 2(b), Oct. 24, 1972, 86 Stat. 1107. added chapter 82.

Chapter 81.—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

SUBCHAPTER I.—PROVISIONS RELATING TO HOSPITALS AND HOMES

Sec.
5007. Partial relinquishment of legislative jurisdiction.

AMENDMENTS

1973—Pub. L. 93–82, title III, § 302(3), Aug. 2, 1973, 87 Stat. 195, added item 5007.

SUBCHAPTER I.—PROVISIONS RELATING TO HOSPITALS AND HOMES

§ 5001. Hospital and domiciliary facilities.

(a)(1) * * *

* * * * * *

(2) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than one hundred and twenty-five thousand hospital beds in facilities over which the Administrator has direct and exclusive jurisdiction for the care and treatment of eligible veterans who are tuberculosis, neuropsychiatric, medical, and surgical cases, and the Administrator shall staff and maintain, in such a manner as to insure the immediate acceptance and timely and complete care of patients, sufficient beds and other treatment capacities to accommodate, and provide such care to, eligible veterans applying for admission and found to be in need of hospital care or medical services. The Administrator shall maintain the bed and treatment capacities of all Veterans' Administration medical facilities so as to insure the accessibility and availability of such beds and treatment capacities to eligible veterans in all States and to minimize delays in admissions and in the provision of such care and of services pursuant to section 612 of this title. The Chief Medical Director shall periodically analyze agencywide admission policies and the records of those eligible veterans who apply for hospital care

and medical services but are rejected or not immediately admitted or provided such care or services, and the Administrator shall annually advise the House and Senate Committees on Veterans' Affairs of the results of such analysis and the number of any additional beds and treatment capacities and the appropriate staffing and funds therefor found necessary to meet the needs of such veterans for such necessary care and services.

(3) The Administrator, subject to the approval of the President, shall establish and operate not less than eight thousands beds in the fiscal year ending June 30, 1974, and in each fiscal year thereafter for the furnishing of nursing home care to eligible veterans in facilities over which the Administrator has direct and exclusive jurisdiction. The nursing beds authorized by this paragraph shall be in addition to the hospital beds provided for in paragraph (2) of this subsection.

(b) Hospitals, domiciliaries, and other medical facilities provided by the Administrator (including nursing home facilities for which the Administrator contracts under section 620 of this title) shall be of fire, earthquake, and other natural disaster resistant construction in accordance with standards which the Administrator shall prescribe on a State or regional basis after surveying appropriate State and local laws, ordinances, and building codes and climatic and seismic conditions pertinent to each such facility. When an existing plant is purchased, it shall be remodeled to comply with the requirements stated in the first sentence of this subsection. In order to carry out this subsection, the Administrator shall appoint an Advisory Committee on Structural Safety of Veterans' Administration Facilities, on which shall serve at least one architect and one structural engineer expert in fire, earthquake, and other natural disaster resistance who shall not be employees of the Federal Government, to advise him on all matters of structural safety in the construction and remodeling of Veterans' Administration facilities in accordance with the requirement of this subsection, and which shall approve regulations prescribed thereunder. The Associate Deputy Administrator, the Chief Medical Director, or his designee, and the Veterans' Administration official charged with the responsibility for construction shall be ex officio members of such committee.

* * * * *

(g) The Administrator may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or other devices adjacent to Veterans' Administration medical facilities when deemed necessary for safe ingress or egress. (As amended Pub. L. 93–82, title III, § 301, Aug. 2, 1973, 87 Stat. 195.)

AMENDMENTS

1973—Subsec. (a)(2). Pub. L. 93–82, § 301(a)(1), added provisions that the Administrator shall staff and maintain sufficient beds to insure immediate acceptance and timely and complete cure of eligible patients and that the Administrator maintain adequate bed and treatment capacities of all Veterans' Administration medical facilities so as to insure the accessibility and availability of such beds and treatment capacities to eligible veterans in all states and that the Chief Medical Director periodically analyze agencywide admission policies and records and that the Administrator advise annually the House and Senate Committees on Veterans' Affairs of the results of such analysis and future requirements.

Subsec. (a)(3). Pub. L. 93–82, § 301(a)(2), made it mandatory for the Administrator to establish and operate not less than eight thousand beds in the fiscal year ending June 30, 1974, and in each fiscal year thereafter.

Subsec. (b). Pub. L. 93–82, § 301(b), added requirements that the Administrator make fire, earthquake, and other disaster resistance studies, to ensure that all new construction and new acquisitions meet new safety standards he is directed to prescribe and provide for the appointment of an intra-agency Advisory Committee on Structural Safety in Veterans' Administration facilities.

Subsec. (g). Pub. L. 93–82, § 301(c), added subsec. (g).

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 5007. Partial relinquishment of legislative jurisdiction.

The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under his supervision or control are situated, such measure of legislative jurisdiction over such lands or interests as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State. (Added Pub. L. 93–82, title III, § 302(1), Aug. 2, 1973, 87 Stat. 195.)

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SUBCHAPTER II.—PROCUREMENT AND SUPPLY

§ 5011. Revolving supply fund.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 632 of this title.

§ 5012. Authority to procure and dispose of property and to negotiate for common services.

(a) The Administrator may lease for a term not exceeding three years lands or buildings, or parts or parcels thereof, belonging to the United States and under his control. Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled "An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes," approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease. Prior to the execution of any such lease, the Administrator shall give appropriate public notice of his intention to do so in the newspaper of the community in which the lands or buildings to be leased are located. The proceeds from such leases, less expenses for mainte-

nance, operation, and repair of buildings leased for living quarters, shall be covered into the Treasury of the United States as miscellaneous receipts.

* * * * *

(As amended Pub. L. 93–82, title III, § 302(2), Aug. 2. 1973, 87 Stat. 195.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–82 added provisions that leases under this subsection may be made without regard to section 5 of Title 41, that notwithstanding section 303b of Title 40 or any other provision of law, such leases may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease and that prior to the execution of the leases, the Administrator shall notify his intention in the local newspaper.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5073 of this title.

§ 5014. Grant of easements in Government-owned lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 43 section 421c.

SUBCHAPTER III.—STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

§ 5033. Authorization of appropriations.

(a) There is hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1965, and a like sum for each of the fourteen succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to States which have submitted and have had approved by the Administrator, applications for carrying out the purposes of section 5032 of this title.

* * * * *

(As amended Pub. L. 93–82, title IV, § 403(c), Aug. 2, 1973, 87 Stat. 196.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–82 substituted "fourteen succeeding fiscal years" for "nine succeeding fiscal years".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 5034. General regulations.

Within six months after the date of enactment of this subchapter, the Administrator shall prescribe the following by regulation:

(1) The number of beds required to provide adequate nursing home care to war veterans residing in each State, which number shall not exceed two and one-half beds per thousand war veteran population in the case of any State.

* * * * *

(As amended Pub. L. 93–82, title IV, § 403(d), Aug. 2, 1973, 87 Stat. 196.)

AMENDMENTS

1973—Par. (1). Pub. L. 93–82 substituted "two and one-half beds" for "one and one-half beds".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5035 of this title.

§ 5035. Applications with respect to projects; payments.

(a) After regulations have been prescribed by the Administrator under section 5034 of this title, any State desiring to receive assistance for a project for construction of State home facilities for furnishing nursing home care must submit to the Administrator an application. Such application shall set forth—

(1) the amount of the grant requested with respect to such project which may not exceed 65 per centum of the estimated cost of construction of such project,

* * * * *

(b) The Administrator shall approve any such application if he finds that—

* * * * *

(2) such grant does not exceed 65 per centum of the estimated cost of construction of such project,

* * * * *

(d) Upon approving an application under this section, the Administrator shall certify to the Secretary of the Treasury the amount of the grant requested with respect to such project in such application, but in no event an amount greater than 65 per centum of the estimated cost of construction of the project, and shall designate the appropriation from which it shall be paid. Such certification shall provide for payment to the applicant or, if designated by the applicant, the State home for which such project is being constructed or any other agency or instrumentality of the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of construction as the Administrator may determine and certify for payment to the Secretary of the Treasury. Funds paid under this section for the construction of an approved project shall be used solely for carrying out such project as so approved.

* * * * *

(As amended Pub. L. 93–82, title IV, § 403(e), Aug. 2, 1973, 87 Stat. 196.)

AMENDMENTS

1973—Subsec. (a)(1). Pub. L. 93–82 substituted "65 per centum" for "50 per centum".

Subsec. (b)(2). Pub. L. 93–82 substituted "65 per centum" for "50 per centum".

Subsec. (d). Pub. L. 93–82 substituted "65 per centum" for "50 per centum".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

§ 5036. Recapture provisions.

If, within twenty years after completion of any project, for construction of facilities for furnishing nursing home care with respect to which a grant has been made under this subchapter, such facilities cease to be operated by a State, a State home, or an agency or instrumentality of a State principally for furnishing nursing home care to war veterans, the

United States shall be entitled to recover from the State which was the recipient of the grant under this subchapter, or from the then owner of such facilities, 65 per centum of the then value of such facilities, as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such facilities are situated. (As amended Pub. L. 93–82, title IV, § 403(f), Aug. 2, 1973, 87 Stat. 196.)

AMENDMENTS

1973—Pub. L. 93–82 substituted "65 per centum" for "50 per centum".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SUBCHAPTER IV.—SHARING OF MEDICAL FACILITIES, EQUIPMENT AND INFORMATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5073, 5083 of this title.

§ 5053. Specialized medical resources.

(a) To secure certain specialized medical resources which otherwise might not be feasibly available, or to effectively utilize certain other medical resources, the Administrator may, when he determines it to be in the best interest of the prevailing standards of the Veterans' Administration medical care program, make arrangements, by contract or other form of agreement, as set forth in paragraphs (1) and (2) below, between Veterans' Administration hospitals and other hospitals (or other medical installations having hospital facilities) or medical schools or clinics in the medical community:

* * * * *

(As amended Pub. L. 93–82, title III, § 303, Aug. 2, 1973, 87 Stat. 195.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–82 struck out "or medical schools" from the material in parenthesis and inserted "or medical schools or clinics" immediately after the parenthesis.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5057 of this title.

§ 5055. Pilot programs; grants to medical schools.

* * * * *

(c)(1) There is hereby authorized to be appropriated an amount not to exceed $3,000,000 for each fiscal year 1968 through 1971, and such sums as may be necessary for each fiscal year 1972 through 1975, for the purpose of developing and carrying out medical information programs under this section on a pilot program basis and for the grants authority in subsection (b) of this section. Pilot programs authorized by this subsection shall be carried out at Veterans' Administration hospitals in geographically dispersed areas of the United States.

* * * * *

(As amended Pub. L. 92–69, Aug. 6, 1971, 85 Stat. 178.)

AMENDMENTS

1971—Subsec. (c)(1). Pub. L. 92–69 substituted provisions authorizing appropriations of amounts up to $3,000,000 for each fiscal year 1968 through 1971, and such sums as may be necessary for each fiscal year 1972 through 1975, for provisions authorizing appropriations of amounts up to $3,000,000 for each of the first four fiscal years following the fiscal year in which this subchapter was enacted.

Chapter 82.—ASSISTANCE IN ESTABLISHING NEW STATE MEDICAL SCHOOLS; GRANTS TO AFFILIATED MEDICAL SCHOOLS; ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS.

Sec.
5070. Coordination with public health programs; administration.

SUBCHAPTER I.—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

5071. Declaration of purpose.
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SUBCHAPTER II.—GRANTS TO AFFILIATED MEDICAL SCHOOLS

5081. Declaration of purpose.
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5083. Grants.

SUBCHAPTER III.—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH MANPOWER INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND OTHER HEALTH PERSONNEL

5091. Declaration of purpose.
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SUBCHAPTER IV.—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

5096. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training.

§ 5070. Coordination with public health programs; administration.

(a) The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate the programs carried out under this chapter and the programs carried out under section 309 and titles VII, VIII, and IX of the Public Health Service Act.

(b) The Administrator may not enter into any agreement under subchapter I of this chapter or make any grant or provide other assistance under subchapter II or III of this chapter after the end of the seventh calendar year after the calendar year in which this chapter takes effect.

(c) The Administrator, after consultation with the special medical advisory committee established pursuant to section 4112(a) of this title, shall prescribe regulations covering the terms and conditions for entering into agreements and making grants under this chapter.

(d) Payments made pursuant to grants under this chapter may be made in installments, and either in advance or by way of reimbursement, with necessary

adjustments on account of overpayments or underpayments, as the Administrator may determine.

(e) In making grants under this chapter, the Administrator shall give special consideration to applications from institutions which provide reasonable assurances, which shall be included in the grant agreement, that priority for admission to health manpower and training programs carried out by such institutions will be given to otherwise qualified veterans who during their military service acquired medical military occupation specialties, and that among such qualified veterans those who served during the Vietnam era and those who are entitled to disability compensation under laws administered by the Veterans' Administration or whose discharge or release was for a disability incurred or aggravated in line of duty will be given the highest priority. In carrying out this chapter and section 4101(b) of this title in connection with health manpower and training programs assisted or conducted under this title or in affiliation with a Veterans' Administration medical facility, the Administrator shall take appropriate steps to encourage the institutions involved to afford the priorities described in the first sentence of this subsection and to advise all qualified veterans with such medical military occupation specialties of the steps he has taken under this subsection and the opportunities available to them as a result of such steps.

(f)(1) Each recipient of assistance under this chapter shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is made or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

(2) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any assistance under this chapter which are pertinent to such assistance. (Added Pub. L. 92–541, § 2(a), Oct. 24, 1972, 86 Stat. 1101.)

REFERENCES IN TEXT

Section 309 of the Public Health Service Act, referred to in subsec. (a), redesignated section 313 of the Act by Pub. L. 93–353, title I, § 102(c), July 24, 1974, 88 Stat. 362, is classified to section 245a of Title 42, The Public Health and Welfare.

Titles VII, VIII, and IX of the Public Health Service Act referred to in subsec. (a) are classified respectively to section 292 et seq., section 296 et seq., and section 299 et seq., of Title 42.

SHORT TITLE.

Section 1 of Pub. L. 92–541 provided: "That this Act [enacting this chapter and subchapter II of chapter 73 of this title] may be cited as the 'Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972'."

SUBCHAPTER I.—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5070 of this title.

§ 5071. Declaration of purpose.

The purpose of this subchapter is to authorize the Administrator to implement a pilot program under which he may provide assistance in the establishment of new State medical schools at colleges or universities which are primarily supported by the States in which they are located if such schools are located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities. (Added Pub. L. 92–541, § 2(a), Oct. 24, 1972, 86 Stat. 1102.)

§ 5072. Authorization of appropriations.

(a) There is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants pursuant to section 5073 of this title.

(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the sixth fiscal year following the fiscal year for which they are appropriated. (Added Pub. L. 92–541, § 2(a), Oct. 24, 1972, 86 Stat. 1102.)

§ 5073. Pilot program assistance.

(a) Subject to subsection (b) of this section, the Administrator may enter into an agreement to provide to any college or university which is primarily supported by the State in which it is located (hereinafter in this subchapter referred to as "institution") the following assistance to enable such institution to establish a new medical school:

(1) The leasing to the institution, for such consideration and under such terms and conditions as the Administrator deems appropriate, of such land, buildings, and structures (including equipment therein) under the control and jurisdiction of the Veterans' Administration as may be necessary for such school. The three-year limitation on the term of a lease in section 5012(a) of this title shall not apply with respect to any lease entered into pursuant to this paragraph. Any lease made pursuant to this subchapter may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subchapter may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease.

(2) The extension, alteration, remodeling, improvement, or repair of buildings and structures (including, as part of a lease made under paragraph (1), the provision of equipment) provided under paragraph (1) to the extent necessary to make them suitable for use as medical school facilities.

(3) The making of grants to assist the institution to pay the cost of the salaries of the faculty of such school during the initial twelve-month period of operation of the school and the next six

such twelve-month periods, but payment under this paragraph may not exceed an amount equal to—

(A) 90 per centum of the cost of faculty salaries during the first twelve-month period of operation,

(B) 90 per centum of such cost during the second such period,

(C) 90 per centum of such cost during the third such period,

(D) 80 per centum of such cost during the fourth such period,

(E) 70 per centum of such cost during the fifth such period,

(F) 60 per centum of such cost during the sixth such period, and

(G) 50 per centum of such cost during the seventh such period.

(b)(1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds, and the agreement includes satisfactory assurances, that—

(A) there will be adequate State or other financial support for the proposed school;

(B) the overall plans for the school meet such professional and other standards as the Administrator deems appropriate;

(C) the school will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in the carrying out of the mission of the medical facility and the school; and

(D) on the basis of consultation with the appropriate accreditation body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare, there is reasonable assurance that, with the aid of an agreement under subsection (a) of this section, such school will meet the accreditation standards of such body or bodies within a reasonable time.

(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to those imposed pursuant to subsections (a)(1) and (b)(1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

(c) If the Administrator, in accordance with such regulations as he shall prescribe, determines that any school established with assistance under this chapter—

(1) is not accredited and fails to gain appropriate accreditation within a reasonable period of time;

(2) is accredited but fails substantially to carry out the terms of the agreement entered into under this chapter; or

(3) is no longer operated for the purpose for which such assistance was granted,

he shall be entitled to recover from the recipient of assistance under this chapter the facilities of such school which were established with assistance under this chapter. In order to recover such facilities the Administrator may bring an action in the district court of the United States for the district in which such facilities are situated. (Added Pub. L. 92–541, § 2(a), Oct. 24, 1972, 86 Stat. 1102.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5072 of this title.

§ 5074. Limitations.

The Administrator may not use the authority under this subchapter to assist in the establishment of more than eight new medical schools. Such schools shall be located in geographically dispersed areas of the United States. (Added Pub. L. 92–541, § 2(a), Oct. 24, 1972, 86 Stat. 1104.)

SUBCHAPTER II.—GRANTS TO AFFILIATED MEDICAL SCHOOLS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5070 of this title.

§ 5081. Declaration of purpose.

The purpose of this subchapter is to authorize the Administrator to carry out a program of grants to medical schools which have maintained affiliations with the Veterans' Administration in order to assist such schools to expand and improve their training capacities and to cooperate with institutions of the types assisted under subchapter III of this chapter in carrying out the purposes of such subchapter. (Added Pub. L. 92–541, § 2(a), Oct. 24, 1972, 86 Stat. 1104.)

§ 5082. Authorization of appropriations.

(a) There is further authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, ad a like sum for each of the six succeeding fiscal years, for carrying out programs authorized under this chapter.

(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the sixth fiscal year following the fiscal year for which they are appropriated. (Added Pub. L. 92–541, § 2(a), Oct. 24, 1972, 86 Stat. 1104.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5096 of this title.

§ 5083. Grants.

(a) Any medical school which is affiliated with the Veterans' Administration under an agreement entered into pursuant to subchapter IV of chapter 81 of this title may apply to the Administrator for a grant under this subchapter to assist such school, in part, to carry out, through the Veterans' Administration medical facility with which it is affiliated, projects and programs in furtherance of the purposes of this subchapter, except that no grant shall be made for the construction of any building which will not be located on land under the jurisdiction of the Administrator. Any such application shall contain such information in such detail as the Administrator deems necessary and appropriate.

(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

(1) the proposed projects and programs for which the grant will be made will make a signifi-

cant contribution to improving the medical education (including continuing education) program of the school and will result in a substantial increase in the number of medical students attending such school, provided there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at such school;

(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be supplemented by funds or other resources available from other sources, whether public or private;

(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds expended under this subchapter; and

(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

(Added Pub. L. 92–541, §2(a), Oct. 24, 1972, 86 Stat. 1104.)

SUBCHAPTER III.—ASSISTANCE TO PUBLIC AND NON-PROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH MANPOWER INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND OTHER HEALTH PERSONNEL

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5070, 5081 of this title.

§ 5091. Declaration of purpose.

The purpose of this subchapter is to authorize the Administrator to carry out a program of grants to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health manpower institutions affiliated with the Veterans' Administration, designed to coordinate, improve, and expand the training of professional and technical allied health and paramedical personnel, and to assist in developing and evaluating new health careers, interdisciplinary approaches and career advancement opportunities, so as to improve and expand allied and other health manpower utilization. (Added Pub. L. 92–541, §2(a), Oct. 24, 1972, 86 Stat. 1105.)

§ 5092. Definition.

For the purpose of this subchapter, the term "eligible institution" means any nonprofit educational facility or other public or nonprofit institution, including universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health manpower institutions for the training or education of allied health or other health personnel affiliated with the Veterans' Administration for the conduct of or the providing of guidance for education and training programs for health manpower. (Added Pub. L. 92–541, §2(a), Oct. 24, 1972, 86 Stat. 1105.)

§ 5093. Grants.

(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out through the Veterans' Administration medical facility with which it is, or will become affiliated, educational and clinical projects and programs, matching the clinical requirements of the facility to the health manpower training potential of the eligible institution, for the expansion and improvement of such institution's capacity to train health manpower, including physicians' assistants, nurse practitioners, and other new types of health personnel in furtherance of the purposes of this subchapter. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate.

(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution and will result in a substantial increase in the number of students trained at such institution, provided there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at such institution;

(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be supplemented by funds or other resources available from other sources, whether public or private;

(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds expended under this subchapter; and

(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

(Added Pub. L. 92–541, § 2(a), Oct. 24, 1972, 86 Stat. 1106.)

SUBCHAPTER IV.—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

§ 5096. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training.

Out of funds appropriated to the Veterans' Administration pursuant to the authorization in section 5082 of this title, the Administrator may expend such sums as he deems necessary, not to exceed 30 per centum thereof, for (1) the necessary extension, expansion, alteration, improvement, remodeling, or repair of Veterans' Administration buildings and structures (including provision of initial equipment, replacement of obsolete or worn-out equipment, and, where necessary, addition of classrooms, lecture facilities, laboratories, and other teaching facilities) to the extent necessary to make them suitable for use for health manpower education and training in order to carry out the purpose set forth in section 4101(b), and (2) special allocations to Veterans' Administration hospitals and other medical facilities for the development or initiation of improved methods of education and training which may include the development or initiation of plans which reduce the period of required education and training for health personnel but which do not adversely affect the quality of such education or training. (Added Pub. L. 92–541, § 2(a), Oct. 24, 1972, 86 Stat. 1106.)